



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

June 23, 2004

### TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM

TANF Transmittal 25

This transmittal contains changes and clarifications related to the Temporary Assistance for Needy Families (TANF) Program. This transmittal is effective July 1, 2004. The revisions are listed below followed by a discussion of the changes by topic:

- Fair Hearings
- Immunization Penalty
- Living With a Specified Relative
- Child Absent from the Home
- Alienage
- Emergency Assistance (EA)
- Workforce Investment Act (WIA)
- Earned Income Disregards
- Lump Sums
- Beginning Date of Assistance (BDOA)
- Time Standard for Processing Applications
- Reporting and Verification Requirements
- Lost/Stolen Checks
- Transferring Cases
- Repayment Procedures
- Handling of Support Payments Collected by the State
- Community Work Experience (CWEP)
- Full Employment Program (FEP)
- Targeted Employer Grants (TAG)
- Forms
- Index

- A. **Fair Hearings** – Sections 105.1, page 1, and 105.3, page 4, revised the requirements for filing a fair hearing request. A fair hearing request may be made orally or in writing to either the local agency or the state. Previously, a written request was required. ADAPT TANF notices of action have been updated to include this information.

- B. Immunization Penalty** – A clarification has been added to Section 201.1, page 2, regarding when the immunization penalty should be applied. Effective July 2003, the renewal period for TANF cases was increased to 12 months; therefore, the “Immunization Status” code in ADAPT will be looked at in the 12<sup>th</sup> month following notification and, when appropriate, the penalty imposed in the following month.

This change is necessary to accommodate early TANF renewals, i.e., when an application is filed for another program. For uniformity, the policy will now provide for penalty evaluation to be applied at the first renewal **or** twelve months after the initial notification, whichever is later.

- C. Living With a Specified Relative** – Section 201.5, page 1, and Procedures Section I, pages 2 and 3, have been revised. Under the revised policy, relationship exists when a dependent child is living with a relative of any degree. Relationship may be by blood, marriage, or adoption.

In Section 201.5, page 1, the name of the former AFDC-Foster Care Manual is updated to the Title IV-E Eligibility Manual. An example has been added to Section 201.5 to clarify when an otherwise eligible child may receive TANF while in foster care.

- D. Child Absent from the Home** – In Section 201.5, page 2, policy has been revised to extend the timeframe from 45 days to 60 days that a child can be away from the home before he is considered ineligible for TANF. The ADAPT system has been updated to reflect this change.

- E. Alienage** – Pursuant to provisions of the Homeland Security Act of 2002, services formerly provided by the Immigration and Naturalization Service (INS) have been transferred to U.S. Citizenship & Immigration Services (USCIS) within the Department of Homeland Security (DHS). The TANF Manual has been updated throughout to reflect the name change.

Section 201.7.A.3, pages 1 and 1b, and Procedures Section I, page 7, have been modified to clarify that only documents issued by the U.S. Citizenship and Immigration Services (USCIS) are acceptable verification of alien status, with the exception of victims of human trafficking. Documents issued by the individual’s home country, such as a Mexican Consular card issued by Mexico, are not INS documents and, as such, do not provide verification of the individual’s status in the United States.

Victims of human trafficking are considered as refugees for purposes of establishing alien status. A letter from the federal Office of Refugee Resettlement is acceptable verification that the individual is a victim of human trafficking. This clarification was originally issued in Broadcast 1461, dated August 3, 2001. Policy and procedures concerning eligibility of human trafficking victims are located in Section 201.7.A.2, 201.7.A.3, page 1b, and 201.7.D, page 1d, and Procedures Section I, page 7a.

- F. **Emergency Assistance (EA)** - Section 203 has been amended to simplify the EA Program. The maximum amount granted to a family remains \$500. However, essential household equipment requirements have been removed. References to loss of family earnings between December 1 and March 31, the mass feeding and clothing distribution, and the actual costs of the allowable basic maintenance need were removed. The appendix to Section 203 that listed essential household equipment has been eliminated.
- G. **Workforce Investment Act (WIA)** – Policy at Section 305 and Procedures Section VII have been revised to replace references to the Job Training Partnership Act (JTPA) of 1982 with the Workforce Investment Act (WIA) of 1998. WIA income, which is exempt, should be entered as other unearned income in ADAPT effective July 1, 2004. The ADAPT system has added two additional codes to identify the funding source for the WIA income that is disregarded: **WI** for WIA Title I, other than on-the-job-training and **WT** for WIA Title I, on-the-job-training. The JTPA codes were removed from the ADAPT system effective April 1, 2004, as they are no longer needed. The screen entitled “AEJTPA” has been renamed “AEWIA.”
- H. **Earned Income Disregards** – The earned income disregards have been changed. The standard work deduction will be the same standard used in the Food Stamp program. After the standard work deduction is subtracted from the gross income, 20% of the remaining gross income is deducted. These deductions will only be subtracted from the countable earned income. These changes are reflected in the following sections: 305.1, 305.3, Section 305 Appendix 3, and Section 901.7.
- In Section 305.1 page 15, policy has been revised to disregard the earned income of a child that is a full or part-time student.
- I. **Lump Sums** – To simplify the TANF program, lump sum policy at 305.4, pages 25 -27, has changed. Lump sums received will be countable income in the month of receipt only. Effective July 1, 2004 TANF assistance units will no longer be assigned a period of ineligibility due to receipt of a lump sum. Lump sum policy on pages 28 – 32 has been deleted.
- This policy also applies to lump sums for casualty property loss; however, when the lump sum will be used to replace damaged/lost property the lump sum will not be considered countable income, even in the month of receipt.
- ADAPT will end date all current periods of ineligibility with an end date of 06/30/04. The Home Office will notify participants that are in a current period of ineligibility and will notify local staff via broadcast prior to sending the notice.
- J. **Beginning Date of Assistance** – Policy at 401.1, page 4, has been simplified. The beginning date of assistance (BDOA) has been changed from the date of authorization to the date of application. The BDOA for applicants will be the date of application when required verification is received within 30 days following the date of application. The

BDOA will be the 1<sup>st</sup> of the following month when verification is received by the local agency after the 30-day period.

To further simplify policy, verbiage has been added to 305.1, page 8, and 401.1, page 4, to allow applications to be denied for the month of application and approved for subsequent months. Applications may also be approved for the month of application and denied for subsequent months.

The beginning dates of assistance have been changed in examples in Section 401.3, page 4, and Section 502.2, page 3. Updates have also been made at 502.4 – 502.5, page 4a.

- K. Time Standard for Processing Application** – In Section 401.3, obsolete wording relating to resources has been removed.

Sections 201.8, page 1; 401.2, pages 2c& 3; 401.3, pages 4 & 5; 401.4, page 7a; 401.5, page 10a; 502.2, page 3; and 801.6, page 3 have been revised to reflect a new 30-day application processing standard. The 30-day processing time begins the day following the date the signed application is received.

- L. Reporting and Verification Requirements** – Policy has been revised in Sections 401.2, pages 2a – 2b, and 401.3, pages 6b – 6c, to more closely parallel Food Stamp reporting and verification requirements during eligibility determinations, renewals, and interim reporting.

- M. Lost/Stolen Checks** – When a check is reported as lost or stolen, the local department of social services (LDSS) must obtain three signed affidavits. Two copies are sent to the Fiscal Processing Unit in the VDSS home office, and the third copy is to be retained in the eligibility case record in the event an original signed affidavit is needed by the local fraud worker. Policy in Sections 502.5.D and Appendix I to Chapter 500, pages 5 and 6, have been revised to reflect this change.

- N. Transferring Cases** – Policy at Section 502.6, pages 5a, 6, 7, 7a, and 7b has been revised to align transfer policy for TANF and Food Stamps.

Transferring agencies will now be required to provide recipients with a Notice of Transfer when their case is transferred. Cases in suspension due to Interim Reporting, temporary ineligibility for any reason (one month only), or when net support exceeds the TANF benefit amount will not be transferred. In situations when the applicant moves, policy has been changed to require the agency to process the application and if found eligible, transfer the case.

Receiving agencies are now required to document receipt of the transfer-in case and the impact of an attached Food Stamp case on the Case Record Transfer form within 5 working days. The desk review must not require information or verifications from the recipient other than those changes required to be reported and those necessary for VIEW participation.

- O. **Repayment Procedures** – Procedures related to entering overpayment claims in ADAPT have been added to policy at Section 503.5, page 1b. The FIPS of the originating agency must always be entered when keying an overpayment in ADAPT.
- P. **Handling of Support Payments Collected by the State** – Section 602.5, pages 4 – 6, have been revised, replacing the “Notification Report” with the “TANF Cases, Current Collected Support, and Expected TMPs” report. This report verifies current support paid to the Division of Child Support Enforcement (DCSE), and displays expected TANF Match Payment amounts.

TANF cases with net support exceeding the monthly benefit amount will be identified with one or two asterisks. One asterisk indicates the support has exceeded the TANF grant amount one month; two asterisks indicates the net support has exceeded the TANF grant two consecutive months. TANF cases where the support exceeds the TANF benefit for two consecutive months must be closed by cutoff of month two.

Policy to request a waiver from the regional specialist to use an alternate method to verify support has been deleted. The only exception to using the “TANF Cases, Current Collected Support, and Expected TMPs” report or the APECS system for redirected support is direct communication with regional staff at the Division of Child Support Enforcement.

In addition, policy at Section 401.3, page 6, net support exceeding the monthly TANF benefit was added as a reason to suspend the TANF grant.

- Q. **Community Work Experience Placement (CWEP)** - Policy in Chapter 1000, page 35, item C (1), clarifies that Food Stamps benefits must be included when calculating the number of hours of participation for CWEP.
- R. **Full Employment Program (FEP)** – FEP is a subsidized, training-oriented employment activity for Virginia Initiative for Employment Not Welfare (VIEW) participants who have been unable to find unsubsidized employment. Public and private sector employers hire VIEW participants for up to six months and are paid a \$300 stipend for each month of participation, provided the participant works at least 20 hours per week. A \$500 bonus is paid if the participant is hired. Although FEP has been in effect for several years, participation has been minimal. To increase participation, FEP policy and procedures have been simplified. For example, instead of having to calculate the amount of the employer subsidy and complete worksheets and invoices each month, the employer is paid a fixed amount which is issued by ADAPT with the monthly TANF checks. Local departments of social services are encouraged to work through existing employer networks, such as workforce investment boards, local business organizations, chambers of commerce, and faith-based organizations to locate employers who are interested in accepting FEP placements. FEP policy has been added or revised in Sections, 401.3.G, page 6, 502.5.D, page 5, 901.4 and 901.14; and Chapter 1000, pages i, 2, 4, and 27 – 34.

If an employer reports that he has not received a FEP monthly stipend or a bonus payment, the check replacement procedures in Section 502.5.D, page 5, and Appendix I to Chapter 500, must be followed. It is important to note one difference, however, which is that a FEP replacement check must not be locally-issued. It must be issued as a State check, since no process exists for reimbursing the locality for a locally-written FEP replacement check.

- S. **Targeted Employer Grants (TAG)** – Policy regarding the TAG work component of VIEW has been removed due to lack of funding. Chapter 1000, pages 49 – 52 have been modified accordingly.
- T. **Forms** – The Full Employment Agreement (032-02-309) has been revised to reflect new policy. In addition, Full Employment Program (FEP) Communication Form (032-02-655) has been created to facilitate communication of pertinent FEP information between eligibility and VIEW workers. A copy of this form, with instructions, is located in Chapter 1000, Appendix A, on pages 21 and 22. The FEP worksheets on pages 31-35 of Chapter 1000, Appendix A, have been removed.

The VIEW Activity and Service Plan (032-02-302/4) has been expanded to allow use when completing the plan for a participant in the TANF Work Activities component which was introduced in Broadcast 2420, dated November 3, 2003. TWA is used to track the employment-related participation of non-VIEW clients in work activities. The Activity and Service Plan has also been changed to ensure participants are informed of FEP provisions.

The Medical Evaluation (# 032-03-078) currently used in the TANF and Food Stamp Employment and Training (FSET) programs has been replaced by a new Medical Evaluation form (#032-03-654). The new form was originally developed for use by agencies operating MedVIEW projects. The form is more comprehensive than the current form, particularly with respect to evaluating individuals who are able to do limited work. As such, the current form is obsolete and the Medical Evaluation form (#032-03-654) should be used in its place. The new form is located in Chapter 1000, pages 53 – 55.

Forms used in Targeted Employer Grants have been deleted on pages 36 – 41 of Chapter 1000, Appendix A.

- U. **Index** – The Index has been updated to reflect the changes made in this transmittal.

The following pages are runover pages and contain no changes: Section 305.3, page 18, Section 401.1, page 5, Section 401.2, page 2, Section 901.5, page 5a, and Chapter 1000, pages 25 – 26.

The transmittal is effective July 1, 2004. Insert the following pages into the TANF Manual:

Table of Contents, page 1, dated 7/04 (1 sheet), to replace Table of Contents, page 1, dated 12/03 (1 sheet).

Table of Contents, page 3, dated 7/04 (1 sheet), to replace Table of Contents, page 3, dated 12/03 (1 sheet).

Table of Contents, pages 4 - 6, dated 7/04 (3 sheets), to replace Table of Contents, pages 4 - 6, dated 7/03, 4/04, 10/00, respectively (3 sheets).

Section 100, Table of Contents, page 1, dated 7/04 (1 sheet), to replace Section 100, Table of Contents, page 1, dated 12/03 (1 sheet).

Section 103.4, page 2, dated 7/04 (1 sheet), to replace Section 103.4, page 2, dated 6/01 (1 sheet).

Sections 105.1 – 105.2, page 1, dated 7/04 (1 sheet), to replace Sections 105.1 – 105.2, page 1, dated 4/03 (1 sheet).

Sections 105.2 – 105.3, page 4, dated 7/04 (1 sheet), to replace Sections 105.2 – 105.3, page 4, dated 10/02 (1 sheet).

Chapter 200, Table of Contents, page 2, dated 7/04 (1 sheet), to replace Chapter 200, Table of Contents, page 2, dated 12/03 (1 sheet).

Section 201.1, page 2, dated 7/04 (1 sheet), to replace Section 201.1, page 2, dated 4/03 (1 sheet).

Sections 201.4 – 201.5, pages 1 and 2, dated 7/04 (2 sheets), to replace Sections 201.4 - 201.5, pages 1 and 2, dated 10/02 and 12/03, respectively (2 sheets).

Section 201.7, page 1, dated 7/04 (1 sheet), to replace Section 201.7, page 1, dated 4/98 (1 sheet).

Section 201.7, pages 1b – 1g, dated 7/04 (6 sheets), to replace Section 201.7, pages 1b – 1g, dated 4/98, 6/01, 4/98, 4/98, and 4/98 ( 6 sheets).

Section 201.8, page 1, dated 7/04 (1 sheet), to replace Section 201.8, page 1, dated 7/03 (1 sheet).

Section 201, Appendix V, pages 1 and 2, dated 7/04 (2 sheets), to replace Section 201, Appendix V, pages 1 and 2, dated 4/98 (2 sheets).

Section 203.1 – 203.4, pages 1 – 3, dated 7/04 (3 sheets), to replace Section 203.1 – 203.4, pages 1 - 3, dated 12/03, 12/80, and 12/03, respectively (3 sheets).

Section 203, Appendix, dated 7/76 (1 sheet) has been removed.

Table of Contents, Chapter 300, page 2, dated 7/04 (1 sheet), to replace Table of Contents, Chapter 300, page 2, dated 12/03 (1 sheet).

Section 305.1, pages 2 and 3, dated 7/04 (2 sheets), to replace Section 305.1, pages 2 and 3, dated 10/00 and 7/00 (2 sheets).

Section 305.1, page 8, dated 7/04 (1 sheet), to replace Section 305.1, page 8, dated 7/00 (1 sheet).

Section 305.3, pages 15 - 18, dated 7/04 (4 sheets), to replace Section 305.3, pages 15 - 18, dated 7/03, 1/95, 7/91, and 7/91 (4 sheets).

Section 305.3, pages 20 and 21, dated 7/04 (2 sheets), to replace Section 305.3, pages 20 and 21, dated 10/93 and 4/96 (2 sheets).

Section 305.4, pages 23 and 23a, dated 7/04 (2 sheets), to replace Section 305.4, pages 23 and 23a, dated 12/03 (2 sheets).

Section 305.4, page 24 - 24b, dated 7/04 (3 sheets), to replace Section 305.4, pages 24 - 24b, dated 12/03 (3 sheets).

Section 305.4, pages 25 - 28, dated 7/04 (4 sheets), to replace Section 305.4 pages 25 - 32, dated 12/03, 12/03, 6/01, 7/93, 7/93, 12/03, 7/93, 7/93, 7/93, 7/93, and 12/03, respectively (12 sheets).

Section 305.4, page 32a, dated 7/04 (1 sheet), to replace Section 305.4, page 32a, dated 6/01 (1 sheet).

Section 305.4, page 33, dated 7/04 (1 sheet), to replace Section 305.4, page 33, dated 6/01 (1 sheet).

Section 305, Appendix 3, pages 1 and 2, dated 7/04 (2 sheets), to replace Section 305, Appendix 3, pages 1 and 2, dated 7/00 and 7/03, respectively (2 sheets).

Section 305, Appendix 4, page 1, dated 7/04 (1 sheet), to replace Section 305, Appendix 4, page 1, dated 7/99 (1 sheet).

Section 401.1, page 2, dated 7/04 (1 sheet), to replace Section 401.1, page 2, dated 7/99 (1 sheet).

Section 401.1, pages 4 and 5, dated 7/04 (2 sheets), to replace Section 401.1, pages 4 and 5, dated 5/99 and 7/93 (2 sheets).

Section 401.2, pages 2 - 2c, dated 7/04 (4 sheets), to replace Section 401.2, pages 2 - 2c, dated 12/03 (4 sheets).

Section 401.2, page 3, dated 7/04 (1 sheet), to replace Section 401.2, page 3, dated 4/04 (1 sheet).



Section 401.3, pages 4 - 6, dated 7/04 (3 sheets), to replace Section 401.3, pages 4- 6, dated 4/04, 7/03, and 7/03, respectively (3 sheets).

Section 401.3, pages 6b and 6c, dated 7/04 (2 sheets), to replace Section 401.3, pages 6b and 6c, dated 12/03 and 7/03 (2 sheets).

Section 401.4 page 7a, dated 7/04 (1 sheet), to replace Section 401.3 page 7a, dated 7/03 (1 sheet).

Section 401.5 page 10a, dated 7/04 (1 sheet), to replace Section 401.5 page 10a, dated 12/03 (1 sheet).

Section 500, Table of Contents, page 1, dated 7/04 (1 sheet), to replace Section 500, Table of Contents, page 1, dated 7/03 (1 sheet).

Sections 502.1 – 502.2, pages 2 and 3, dated 7/04 (2 sheets), to replace Sections 502.1 – 502.2, pages 2 and 3, dated 3/00 and 10/00, respectively (2 sheets).

Sections 502.4 – 502.6, pages 4a - 7b, dated 7/04 (7 sheets), to replace Sections 502.4 and 502.6, pages 4a and 7b, dated 7/03, 6/01, 6/01, 7/00, 12/03, 7/00, and 1/87, respectively (7 sheets).

Sections 503.5 – 503.6, page 1b, dated 7/04 (1 sheet), to replace Sections 503.5 – 503.6, page 1b, dated 4/03 (1 sheet).

Section 503.7, pages 2a and 2b, (2 sheets), to replace Section 503.7, pages 2a and 2b, dated 12/03 (2 sheets).

Section 500, Appendix I, pages 5 and 6, dated 7/04 (2 sheets), to replace Section 500 Appendix I, pages 5 and 6, dated 6/01 (2 sheets).

Section 602.5, pages 4-6, dated 7/04 (3 sheets), to replace Section 602.5, pages 4-6, dated 7/03, 7/03, and 10/00, respectively (3 sheets).

Sections 801.6 – 801.8, page 3, dated 7/04 (1 sheet), to replace Sections 801.6 – 801.8, page 3, dated 10/02 (1 sheet).

Sections 901.3 – 901.5, pages 5 and 5a, dated 7/04 (2 sheets), to replace Sections 901.3 – 901.5, page 5, dated 4/03 (1 sheet).

Section 901.7 – 901.8, page 8, dated 7/04 (1 sheet), to replace Section 901.7 -901.8, page 8, dated 12/03 (1 sheet).

Sections 901.13 – 901.14, pages 11 – 14, dated 7/04 (4 sheets), to replace Sections 901.13 – 901.14, page 11, dated 12/03 (1 sheet).

Chapter 900, Appendix 1, pages 1 - 3, dated 7/04 (3 sheets), to replace Chapter 900, Appendix 1, pages 1 - 3, dated 7/03, 10/00, and 5/99, respectively (3 sheets).

Chapter 900, Appendix 2, pages 1-6, dated 7/04 (6 sheets), to replace Chapter 900, Appendix 2, pages 1-7, dated 4/04, 4/04, 4/04, 4/04, 4/04, 4/04, 5/02, respectively (7 sheets).

Chapter 1000, Table of Contents, pages i and ii, dated 7/04 (2 sheets), to replace Chapter 1000, Table of Contents, pages i and ii, dated 7/99 and 6/01 (2 sheets).

Chapter 1000, page 2, dated 7/04 (1 sheet), to replace Chapter 1000, page 2, dated 7/99 (1 sheet).

Chapter 1000, page 4, dated 7/04 (1 sheet), to replace Chapter 1000, page 4, dated 1/03 (1 sheet).

Chapter 1000, page 20, dated 7/04 (1 sheet), to replace Chapter 1000, page 20, dated 4/03 (1 sheet).

Chapter 1000, pages 25 - 35, dated 7/04 (11 sheets), to replace Chapter 1000, pages 24a – 35, dated 6/01, 7/99, 7/00, 7/99, 7/99, 7/99, 6/01, 10/02, 7/99, 7/99, 7/99, 7/99, and 7/03, respectively (13 sheets).

Chapter 1000, page 49, dated 7/04, (1 sheet), to replace Chapter 1000, page 49, dated 7/99 (1 sheet).

Chapter 1000, page 50, dated 7/04 (1 sheet), to replace Chapter 1000, pages 50 and 51, dated 7/99 (2 sheets).

Chapter 1000, page 52, dated 7/04 (1 sheet), to replace Chapter 1000, page 52, dated 7/99 (1 sheet).

Chapter 1000, Appendix A, Table of Contents, page 1, dated 7/04 (1 sheet), to replace Chapter 1000, Appendix A, Table of Contents, pages 1 and 2, dated 7/03 and 10/02 (2 sheets).

Chapter 1000, Appendix A, pages 13 – 15, dated 7/04 (3 sheets), to replace Chapter 1000, Appendix A, pages 13 – 15, dated 6/01, 6/01, and 7/03, respectively (3 sheets).

Chapter 1000, Appendix A, pages 19 – 22, dated 7/04 (5 sheets), to replace Chapter 1000, Appendix A, pages 19 – 22, dated 7/03 (4 sheets).

Chapter 1000, Appendix A, pages 29 and 30, dated 7/04 (2 sheets), to replace Chapter 1000, Appendix A, pages 29 and 30, dated 7/99 (2 sheets).

Chapter 1000, Appendix A, page 31, dated 7/04 (1 sheet), to replace Chapter 1000, Appendix A, pages 31 – 41, dated 7/00 (11 sheets).

Chapter 1000, Appendix A, pages 50 and 50a, dated 7/04 (2 sheets), to replace Chapter 1000, Appendix A, page 50, dated 6/01 (1 sheet).

Chapter 1000, Appendix A, pages 53 – 55, dated 7/04 (3 sheets), to replace Chapter 1000, Appendix A, pages 53 – 55, dated 1/03 (3 sheets).

Procedures Section I, pages 2 and 3, dated 7/04 (2 sheets), to replace Procedures Section I, pages 1f - 3, dated 7/96, 7/99 and, 7/99, respectively (3 sheets).

Procedures Section I, pages 6 - 7c, dated 7/04 (5 sheets), to replace Procedures Section I, pages 6 - 7c, dated 4/98, 4/98, 4/98, 10/02, and 10/02, respectively (5 sheets).

Procedures Section VII, page 1, dated 7/04 (1 sheet), to replace Procedures Section VII, page 1, dated 7/95 (1 sheet).

Procedures Section VII, page 3, dated 7/04 (1 sheet), to replace Procedures Section VII, page 3, dated 10/94 (1 sheet).

Procedures Section X, page 4, dated 7/04 (1 sheet), to replace Procedures Section X, page 4, dated 1/79 (1 sheet).

Index, page 5, dated 7/04 (1 sheet), to replace Index, page 5, dated 12/03 (1 sheet).

Index, pages 7 and 8, dated 7/04 (2 sheets), to replace Index, pages 7 and 8, dated 12/03 (2 sheets).

Index, page 11, dated 7/04 (1 sheet), to replace Index, page 11, dated 12/03 (1 sheet).

Index, page 13, dated 7/04 (1 sheet), to replace Index, pages 13, dated 4/03 (1 sheet).

Index, page 16, dated 7/04 (1 sheet), to replace Index, page 16, dated 12/03 (1 sheet).



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Attachment

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103.4 - RELEASE OF INFORMATION TO THE **U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)** REGARDING ILLEGAL ALIENS\* - If a representative of the INS requests information regarding an individual who the local agency knows is unlawfully in the U.S., the local agency must furnish the **USCIS** with identifying information. This information is limited to the name, address, and Social Security Number of the individual. This information will be reported to **USCIS** by a local department of social services only upon request by a **USCIS** representative.

For the local agency to know an individual is unlawfully in the U.S., the individual must have presented as part of the application or renewal process a Final Order of Deportation issued by **USCIS** or the Executive Office of Immigration Review. For purposes of informing **USCIS** of illegal aliens, only a Final Order of Deportation is sufficient proof of illegal status.

\* Public Law 104-193, Section 404

## 105.1 NOTIFICATION OF RIGHT TO APPEAL -

- A. Every applicant for and recipient of assistance shall be informed in writing, at the time of application and at the time of any action, proposed or taken, affecting his claim, of the circumstances under which he has a right to a fair hearing of the method by which he may obtain a hearing, and of the right to be represented by others or to represent himself.\* This is accomplished by giving each applicant the booklet, Virginia Social Services **Benefit** Programs, describing the assistance program(s) for which he is applying and fair hearing procedures at the time assistance is first requested. For recipients this is accomplished when the recipient receives a written notice at the time of any action, proposed or taken, affecting his claim.

In addition to the use of written material, the local agency worker has the responsibility of informing the client orally of the right to appeal to the State agency if he is dissatisfied with any actions of the local board or Superintendent or failure to act in relation to his eligibility or the amount of assistance.

- B. Local agencies have an affirmative duty to provide information and referral services to help claimants make use of any legal services available in the community for representation in appeal hearings.
- C. In addition to advising applicants and recipients about the right of appeal and the hearing procedures, other interested persons and organizations are to be advised verbally and by use of the leaflets as indicated.
- D. **All applicants and recipients must be informed of their right to request an appeal either orally or in writing.\*\***

## 105.2 FAIR HEARINGS

- A. Opportunity for a Local Agency Conference -

The recipient must be offered an opportunity, at the time the Notice to Client of Action or the Advance Notice of Proposed Action is issued, to request such an agency conference at which he must receive an explanation of the proposed action and must have an opportunity to present any information on which his disagreement with such action is based. At the conference the recipient may be represented by an authorized representative, such as legal counsel, relative, or friend.

Upon receipt of a request for such a conference, the local department must schedule the conference within 10 working days.

The recipient's failure to request a local agency conference or failure to appear at a scheduled conference has no effect upon his right of appeal to the State agency within 30 days or upon his right to continued assistance if he appeals prior to the effective date of the proposed change, as specified in Subsection B.

\* 45 CFR 205.10(a)(3)

\*\* 22 VAC 40-295-110

Note: If the recipient, because of agency error, did not receive advance written notice of the proposed action, or the notice received was not adequate, and an appeal is filed within 30 days of the action, financial assistance must be reinstated retroactively to the date of agency action and continued during the appeal process.

- C. Administrative Disqualification Hearings (ADH) - Refer to Sections [102.4-102.14](#) for ADH requirements and procedures.

### 105.3 REQUEST PROCEDURES -

- A. A fair hearing may be requested by an expressed indication by a claimant or by a person acting as his authorized representative (such as a relative, friend or attorney), to the effect that he wishes the opportunity to present his case to a higher authority because of dissatisfaction with its treatment by a local agency. **An appeal may be requested orally or in writing.\***

The right to make such a request is not to be limited or interfered with in any way. If a household makes an oral request for a hearing, the local agency must complete the procedures necessary to start the hearing process. The Notice of Appeal form must be made available to the household to facilitate appeal requests; however, completion of this form by the household is not required if a clear expression for a hearing has been made by some other method. Local agencies must help the claimant submit and process the request, and prepare the case, if needed. Information and referral services must be provided to help claimants make sure of any legal services available in the community that can provide legal representation at the hearing.

The freedom to appeal must not be prejudiced or limited in any way; local agency emphasis must be on helping the claimant to submit his request and on assisting in preparing his case, if necessary.

Although appeals to the State agency will normally be by use of the Appeal to the State Department of Social Services form, a written request to the State agency by a claimant or his authorized representative, clearly indicating the wish to present his case to a higher authority will be considered a fair hearing request.

- B. An opportunity for a hearing shall be granted, upon such request made within the time limitation specified in Section [105.4](#) (below), to:
1. Any applicant whose claim for assistance is denied or not acted upon within the time standard specified for processing an application; or
  2. Any recipient who is aggrieved by any agency action affecting his entitlement to or receipt of assistance or by agency denial of, or delay over 30 days in responding to, a request for adjustment in payment.

The applicant or recipient may also appeal the local agency's interpretation of law or policy as well as the equity and reasonableness of policies promulgated under the law, when the claimant is aggrieved by their application in his situation.

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- D. IMMUNIZATIONS - All applicants and recipients for TANF must supply verification that all otherwise eligible children have received the immunizations required by the Code of Virginia.\* The agency must inform applicants of the immunization requirement at initial application and must inform recipients on 7/1/95 on their first scheduled redetermination after 7/1/95. The immunization schedule is established by the State Board of Health.
1. ACTION AT FIRST REDETERMINATION OR TWELVE MONTHS AFTER NOTIFICATION - By the first redetermination **or twelve months, whichever is later** after being informed of the immunization requirement, the recipient must provide the following or the worker must reduce the TANF grant:
    - a. Verification that the child has received all immunizations appropriate to his age;
    - b. Verification that the child has received at least one dose of each of the required immunizations as appropriate for the child's age and that the child's physician or the local health department has prepared a plan for completing the immunizations. The plan needs only to indicate when future immunizations are due; or
    - c. Verification that the child is exempt.
  2. ACTION AT SECOND REDETERMINATION AFTER NOTIFICATION - At the second redetermination and subsequent redeterminations after being informed of these requirements, the recipient must provide verification of compliance with the immunization schedule or the plan prepared by the physician or health department, until the child has received all required immunizations. Failure to provide the necessary verifications shall result in a grant reduction.
  3. ADDING A CHILD TO THE ASSISTANCE UNIT AND TRANSFERS- When a child is added to the assistance unit, the eligibility worker must advise the parent/caretaker of the immunization requirement. The parent/caretaker shall be allowed at least **twelve** months to provide verification that the child has met the immunization requirement. As verification of immunizations is only required at redetermination, sanctions shall not be imposed for such a child until the first redetermination occurring at least six months after the child is added.

Example: On February 1, Ms. I reports a new child, Tom, in the assistance unit. The worker advises Ms. I of the immunization requirement for Tom. On April 15, Ms. I has a redetermination interview. No immunization verification is required for Tom. At the next redetermination in October, Ms. I fails to provide verification of Tom's immunizations. The grant is reduced for November.

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\* 45 Code of Virginia, 63.2-603

201.4 DEPRIVATION OF PARENTAL SUPPORT OR CARE - Repealed effective July 1, 1999.

201.5 LIVING ARRANGEMENTS - The child must be living with a parent or other specified relative (Subsection A., below) in a residence maintained as a home (Subsection B., below) by one or more such relatives. For TANF-UP, both natural or adoptive parents of at least one child must be living in the home. (Refer to [701.2.](#))

Exception: Under certain prescribed conditions, an otherwise eligible child may receive TANF while in foster care, as provided in **the Title IV-E Eligibility Manual and Subsection B., below, such as during a trial visit.**

- A. Specified Relatives - The relative with whom the child is living, who is designated as the caretaker, **must** be a relative by blood, marriage, or adoption. **Relationships by marriage exist even after the marriage has been terminated by death or divorce.**

Neither severance of parental rights nor adoption is considered to terminate the relationship to biological relatives. Therefore, biological relatives may receive assistance for someone who has been adopted, when there is no other relative by adoption in the home to receive assistance on the individual's behalf. However, this provision does not require individuals who have been adopted to be included in the assistance unit of the biological relative and his/her children.

Example 1: Jane Doe had two children who were adopted by Jane's parents. Jane's parents died leaving their adopted children in the care of Jane. Jane is considered a biological relative for TANF purposes and can receive assistance for the two children, however, they are not to be included in the same assistance unit as any other children Jane may have since she has no legal responsibility for these children.

Example 2: Mary Smith's child, Michael, was adopted by a family friend. When Michael's adoptive parent died, there was no other relative to care for him. Michael went to live with Mary. Since Mary and Michael are biologically related, she can receive assistance for him. However, Michael is not to be included in the same assistance unit as any other children Mary may have.

Documentation of how each child is related to the caretaker must be secured for each relationship that links the child to the caretaker, using methods in [Procedures](#) Section I D.1.

B. Living in a Home\* - A home is the family setting maintained or in the process of being established by the specified relative, as evidenced by the presence of the child. A home exists even though the child or relative is temporarily absent from the customary family setting. The relative may be absent for reasons such as hospitalization, education or training, a vacation, or a visit. A parent that is absent from the home due to active duty in the uniformed services is considered living in the home. The child may be absent as long as the absence does not exceed **60** consecutive days, unless good cause exists. Additionally, a home may exist in situations where the assistance unit lacks a fixed home address or is otherwise considered homeless.

1. A child that has been, or is expected by the caretaker to be, absent from the home for a period of **60** consecutive days is ineligible for TANF. Exception: If the child is absent for longer than **60** consecutive days, the child may retain eligibility if good cause for the absence exists, such as hospitalization, education or training, a vacation, or a visit.

Note: The child can be eligible in another assistance unit.

2. The caretaker must report to the local agency after it becomes clear to the caretaker that the minor child will be absent from the home for **60** consecutive days. (Refer to Section 401.2.B.2.a.3.)
3. If the caretaker fails to report the change within the required time frame as described above, the caretaker is ineligible. The caretaker will remain ineligible until the child returns to the home or there is a break in assistance.



201.7 CITIZENSHIP AND ALIENAGE - Federal law\* requires anyone whose needs are considered in determining the amount of assistance for TANF to be a citizen of the United States or an eligible alien.

A. Citizenship/Alienage Status

1. Citizenship - An individual is a U.S. citizen if he is:
  - a. born in the United States, regardless of the citizenship of his parents; or
  - b. born outside the United States of U.S. citizen parents (the mother if born out of wedlock); or
  - c. born outside the United States of alien parents and has been naturalized as a U.S. citizen. A child born outside the United States of alien parents automatically becomes a citizen after birth if his parents (the mother if born out of wedlock) are naturalized before he becomes 16 years of age.
2. Alienage - An alien must be a qualified alien as defined below or meet the exception in d.3) below. If the alien does not meet the definition of a qualified alien or the exception, he does not meet the alienage requirement. If he meets the definition of a qualified alien, he must then be evaluated in accordance with b., c., and d.1) and d.2) below, depending on the date he entered the U.S.
  - a. "Qualified alien" is defined as:
    - 1) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
    - 2) an alien granted asylum under Section 208 of the INA;
    - 3) a refugee admitted to the U.S. under Section 207 of the INA, or an alien who is admitted to the U.S. as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (as contained in section 101(e) of Public Law 100-202 and amended by the 9th proviso under MIGRATION AND REFUGEE ASSISTANCE in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, Public Law 100-461, as amended),\*\* **or an alien who is a victim of human trafficking.**
    - 4) an alien paroled into the U.S. under Section 212(d)(5) of the INA for a period of at least one year;
    - 5) an alien whose deportation is being withheld under Section 243(h) of the INA (as in effect prior to April 1, 1997) or section 241(b)(3) of the INA (as amended by section 305(a) of division C of Public Law 104-208);\*\*

\* Public Law 104-193

\*\* Public Law 105-33

active duty. "Veteran" also includes persons who served in the Philippine Commonwealth Army during World War II or as Philippine Scouts following the war;\*

- 2) a qualified alien and is on active duty (other than active duty for training) in the Armed Forces of the United States; or
- 3) the spouse or unmarried dependent child of an individual (not deceased) described in 1) or 2) above, or the surviving spouse of an individual (deceased) described in 1) or 2) above, provided the surviving spouse has not remarried and was married to the deceased veteran:
  - (a) before the end of a 15-year period following the end of the period of military service in which the injury or disease causing the death of the veteran was incurred or aggravated; or
  - (b) for one year or more; or
  - (c) any period of time if a child was born of the marriage or was born to them before the marriage.\*

The spouse or unmarried dependent child is not required to be a qualified alien.

3. Verification of immigration status is required at application, redetermination, and as individuals are added, using **U.S. Citizenship and Immigration Services (USCIS)** documents provided by the alien **or, if the individual is a victim of human trafficking, using documentation from the federal Office of Refugee Resettlement.** If an applicant/recipient's alien status changes or an individual who was an alien becomes a U.S. citizen, his eligibility for assistance must be evaluated under the new status unless otherwise stated in policy or procedures. See Procedures Section I to determine alien status and eligibility.

If an alien presents expired documents as evidence of his immigration status, refer the alien to the local **USCIS** office to obtain documentation of status. In unusual cases involving aliens who have physical or mental disabilities that limit their ability to obtain or provide the required evidence, the worker should make every effort to assist the individual to obtain the required evidence. If the alien can provide an alien registration number, the worker should file a Form G-845 and Supplement, along with the alien registration number and a copy of any expired **USCIS** document presented with the local **USCIS** office to verify status.

B. Sponsored Aliens

Aliens may be sponsored by either an individual or an agency/organization. Sponsorship satisfies a requirement of the **USCIS** that an individual petitioning to come to the U.S. is not likely to become a "public charge."

\* Public Law 105-33

1. Agency/Organization Sponsor - If sponsored by an agency/organization, eligibility for TANF does not exist for the first three years of U.S. residence unless the agency/organization no longer exists or is financially unable to provide support.

Certain Soviet Jewish refugees have been admitted to the United States under a Memorandum of Understanding (MOU) between the U.S. Department of State and two private Jewish agencies, the Council of Jewish Aid and the Hebrew Immigrant Aid Society. The MOU states that the sponsoring agency will ensure that these refugees do not require cash, medical or food stamp assistance for two years after their admission to the U.S. Refugees admitted under MOU will possess **USCIS** Arrival-Departure Records (I-94) which contain the following statement:

"This refugee is sponsored by the Hebrew Immigrant Aid Society and (name of local Jewish organization). Private resources are available. If assistance is sought, please call (name of local Jewish agency) at (phone number)."

The sponsorship statement is to be regarded by the worker as a lead that other income and resources may be available to meet the refugee's needs. The sponsoring agency must be contacted to determine the actual availability of any income and/or resources and use such verified information in the determination of the unit's eligibility. It is not, however, appropriate to deny an application for assistance solely on the basis of the sponsorship statement on the refugee's I-94.

2. Individual Sponsor - Individuals who petition **USCIS** to become a sponsor of an alien must execute an affidavit of support. In some situations, an alien may be sponsored by more than one individual. Refer to Section [305.4.D.](#) regarding sponsor deeming requirements.

C. Declaration of Citizenship or Alien Status

As a condition of eligibility, all TANF applicants/recipients shall provide, or have provided on their behalf, a signed statement attesting, under penalty of perjury, to their citizenship or alien status.\* An applicant/recipient age 18 or older must sign the declaration for all assistance unit members. In the absence of an adult in the assistance unit, the applicant will sign for all unit members.

The declaration is to be obtained at the time of application or when a new member is requested/required to be in the unit. Exception: A written declaration on behalf of a newborn should be obtained at the time the child is requested/required to be included in the assistance unit. The

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\* Social Security Act, Section 1137(d)(1)

written declaration must be provided by the next eligibility determination if not obtained at the time the child is added to the assistance unit. Verification of the newborn's citizenship or alien status cannot be postponed until the next eligibility determination.

The declaration requirement is met when the applicant/recipient completes and signs the "Application for Benefits" or "Eligibility Review - Part A" form, as applicable.

Any member for whom the citizenship or alien status declaration requirement has not been met:

1. shall not be included in the assistance unit;
2. if required to be in the assistance unit, the income and resources of the person will be considered available to the assistance unit as indicated in [Sections 303.3.E. and F.](#) and [305.4.E.1.e.](#)

D. Systematic Alien Verification for Entitlements (SAVE) Program

1. The Immigration Reform and Control Act of 1986 (IRCA), requires the verification of the immigration status of aliens applying for certain types of benefits, including TANF. **Local agencies should not use the SAVE system to confirm the status of human trafficking victims since their status is verified by the federal Office of Refugee Resettlement.**
2. Aliens, **except victims of human trafficking**, must submit documentation of their immigration status before eligibility can be determined. (Refer to [Procedures](#), Section I.F.2. which outlines the categories of eligible aliens.) Once documentation has been provided, the agency must determine the validity of the documentation by comparing the alien information with current immigration records maintained by **USCIS**. This is accomplished through the Systematic Alien Verification for Entitlements (SAVE) Program and is intended to prevent the issuance of benefits to ineligible aliens.\* SAVE verification must be initiated prior to case approval or action to add a person.

Verification is obtained through two processes:

- a. Primary verification - a direct access to **USCIS** files via telephone or personal computer;
- b. Secondary verification - a manual procedure completed in addition to primary verification via the Document Verification Request, Form G-845, and Document Verification Request Supplement, G-845 Supplement. (Refer to [Appendix V](#) to Section 201, pages 3 - 6.) Certain situations may arise where it may not be possible to access primary verification and secondary verification must be accessed or additional information is needed that can only be obtained through the secondary procedure. These situations are addressed in Section [201.7.D.4.](#)

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\* Public Law 99-603, Section 121

Once verification has been obtained through SAVE, aliens with permanent resident status will no longer be subject to the SAVE process. Aliens with temporary or conditional status will be subject to SAVE when their temporary status expires.

### 3. Primary Verification

Primary verification is the automated method of accessing the Alien Status Verification Index (ASVI), the **USCIS** database. The automated access to ASVI must be attempted before attempting the manual, paper-trail method of secondary verification. However, there are some specific instances when the secondary method must be used without attempting to access the **USCIS** database. These reasons are listed in the Secondary Verification section.

SAVE is accessible through the seven, eight, or nine-digit Alien Registration Number (A-Number) which should be displayed on the alien's **USCIS** documents. SAVE is accessible either directly through the local agency or through regional office contact.

A total of nine digits must always be used when keying the A-Number to access the **USCIS** database. A zero is to be substituted for the letter "A" in eight-digit A-Numbers, and two zeros must precede a seven-digit number. When the A-Number is nine digits, omit the "A" and enter the nine-digit number.

Information obtained through SAVE must be compared with the original immigration document. If discrepancies are noted, the secondary verification process must be initiated. No negative action may be taken on the basis of the automated verification only.

### 4. Secondary Verification

In some instances verification of the alien status may not be completed through the automated/primary system. Secondary verification will be required in the following situations:

- a. Primary verification generates the message "Institute Secondary Verification" or "No File Found;"
- b. Discrepancies are revealed when comparing primary verification to the original immigration document or the primary verification does not clearly indicate whether the individual is a qualified alien;
- c. Immigration documents have no Alien Registration Number (A-Number) or documents presented are not identified in [Procedures](#), Section I.F.2;
- d. Immigration documents contain an A-Number in the A60 000 000 or A80 000 000 series;

- e. The document presented is a **USCIS** fee receipt;
- f. The document presented is a foreign passport and/or I-94 that is endorsed "Processed for I-551, Temporary Evidence of Lawful Permanent Residence," and the passport and/or I-94 is over one year old.
- g. Any of the items presented as documentation appears to be counterfeit or altered.
- h. The document presented is a **USCIS** receipt indicating the alien has applied for a replacement document for one of the qualified alien statuses.
- i. Additional information is needed regarding sponsorship status, including whether the affidavit of support executed is a "213A" affidavit and the name and address of the sponsor(s).
- j. Documentation is needed to substantiate status as a victim of abuse.
- k. Documentation is needed to verify U.S. citizenship.
- l. The documents presented are expired and the alien has a physical or mental disability that precludes obtaining new documents from the local **USCIS** office.

5. Secondary Verification Procedures

- a. Once the requirement to obtain secondary verification is determined, the agency must initiate the request within 10 work days. Complete the top portion of the **USCIS** Form G-845, Document Verification Request and the Document Verification Request Supplement (G-845 Supplement). Separate forms must be completed for each alien. A copy of the forms is included in Appendix V, pages 3 - 6, to Section 201. Note: The G-845 Supplement may only be used in conjunction with the Form G-845, not separately.
- b. Staple readable copies (front and back) of original immigration documents to the upper left corner of Form G-845. Copies of other documents used to make the initial alien status determination must also be submitted. Other documentation could include marriage records or court documents that indicate the identity or immigration status of the holder.
- c. Retain a copy of the completed G-845 and G-845 Supplement in the case record. Mail the G-845 and G-845 Supplement to the appropriate **USCIS** office, indicating "Attention: Immigration Status Verifier" on the envelope.

**USCIS**  
4420 North Fairfax Dr. (or)  
Arlington, VA 22203

**USCIS**  
Norfolk Commerce Park  
5280 Henneman Drive  
Norfolk, VA 23513

Refer to the listing of localities in Appendix V to Section 201, pages 1 and 2 to determine the appropriate office. Do not send bulk mailings.

- d. While awaiting the secondary verification from **USCIS**, do not take any negative action against the case or individual on the basis of alien status.
- e. Upon receipt of the G-845 and G-845 Supplement, compare the information with the case record. If eligibility of the alien is confirmed, the verification from **USCIS** must be filed in the case record with the current application. Timely notice must be given to delete the individual from the TANF assistance unit if verification proves an individual's ineligibility. Additionally, if the secondary verification reveals the individual is not an eligible alien, an overpayment has occurred which must be recouped/recovered per 503.8.

201.8 SOCIAL SECURITY ACCOUNT NUMBER (SSN) - As a condition of eligibility, each applicant is required to provide an SSN or show proof of application for a Social Security number for each person for whom assistance is requested. An applicant must meet this condition prior to approval of the case. Only those members of the assistance unit who have met this condition are to be approved for TANF. The agency must refer each applicant/recipient who does not have an SSN or cannot provide proof of application for an SSN to the Social Security Administration (SSA) District Office. The agency must also discuss with the applicant the types of evidence of age, identity, and U.S. citizenship or alien status documents which the SSA will require prior to issuing an SSN.

- A. Obtaining a Social Security Number - For those individuals who provide SSNs prior to approval or at any other time the agency shall record the SSN in ADAPT and the State Verification and Exchange System (SVES) according to 201.8 E. The agency, however shall not delay approval of an otherwise eligible assistance unit solely to verify a social security number even if the 30 day processing period has not expired. As soon as all other steps necessary to approve an application are completed except for verification of the social security number the agency shall approve the application.

For those individuals who do not have an SSN, who do not know if they have a number, are unable to find a number and therefore cannot provide a number, or whose number appears to be questionable, the agency will direct the assistance unit to submit form SS-5, Application for Social Security Number to the Social Security Administration (SSA). The agency must advise the assistance unit where to file the application for an SSN and discuss what evidence the assistance unit will need to obtain a SSN.

Evidence needed includes a U.S. public record of birth established before age five or other verification of birth, such as religious records whose validity is not questionable, or hospital records, if they can be verified by the SSA. While religious and hospital records will entitle the individual to an SSN, further proof of birth is required by the SSA to establish eligibility for Social Security benefits.

The agency shall advise the assistance unit that proof of the application for an SSN from SSA will be required prior to approval and suggest that the assistance unit member asks the SSA for proof of the application for an SSN. SSA has a form SSA-5028, Receipt for Application for a Social Security Number for this purpose. Local agencies may also devise their own form for this purpose; however, these must receive the approval of the Regional TANF Specialist.

- B. Assistance to Newborns - For each infant added to an active case, the recipient must begin the process of obtaining a SSN. The SSN does not have to be provided prior to adding the infant to the assistance unit. If the assistance unit is unable to provide proof of application for the number for a newborn when the child is first added to the case, the caretaker must provide the number or proof of application at its next renewal or within six months, whichever is later. If the assistance unit is unable to provide the number or proof of application within the time allowed, the agency must determine if good cause provisions exist.



Agencies Corresponding to **USCIS**, Arlington:

Albemarle	Fairfax	Orange
Alexandria	Fauquier	Page
Alleghany/Covington	Floyd	Patrick
Amherst	Fluvanna	Pittsylvania
Appomattox	Franklin County	Prince William
Arlington	Frederick	Pulaski
Bath	Galax	Radford
Bedford	Giles	Rappahannock
Bland	Grayson	Roanoke City
Botetourt	Greene	Roanoke County
Bristol	Halifax	Rockbridge Area
Buchanan	Harrisonburg/Rockingham	Russell
Buckingham	Henry/Martinsville	Scott
Campbell	Highland	Shenandoah
Carroll	King George	Smyth
Charlotte	Lee	Stafford
Charlottesville	Loudoun	Staunton/Augusta
Clarke	Lynchburg	Tazewell
Clifton Forge	Madison	Warren
Craig	Manassas	Washington
Culpeper	Manassas Park	Waynesboro
Cumberland	Montgomery	Winchester
Danville	Nelson	Wise
Dickenson	Norton	Wythe

Agencies Corresponding to **USCIS**, Norfolk:

Accomack	Henrico	Nottoway
Amelia	Hopewell	Petersburg
Brunswick	Isle of Wight	Portsmouth
Caroline	James City	Powhatan
Charles City	King and Queen	Prince Edward
Chesapeake	King William	Prince George
Chesterfield	Lancaster	Richmond City
Colonial Heights	Louisa	Richmond County
Dinwiddie	Lunenburg	Southampton
Essex	Mathews	Spotsylvania
Franklin City	Mecklenburg	Suffolk
Fredericksburg	Middlesex	Surry
Gloucester	New Kent	Sussex
Goochland	Newport News	Virginia Beach
Greensville/Emporia	Norfolk	Westmoreland
Hampton	Northampton	Williamsburg
Hanover	Northumberland	York/Poquoson

203.1 CONDITIONS OF ELIGIBILITY - Under certain conditions, emergency assistance **may be provided** to needy families with children. When all of the following conditions exist, EA must be granted immediately.

- A. The family includes at least one child who is under eighteen years or if 18 but not yet 19 is enrolled full time in a secondary school or vocational/technical school equivalency from which the child is expected to graduate prior to attaining age 19.
- B. The child is a resident of Virginia, as defined in Section 201.6.
- C. The child, and all members of his family for whom assistance is provided must be a citizen of the United States or, if an alien, meet requirements, specified in Section 201.7.
- D. The child is living with a relative in a place of residence maintained by the relative as his own home. (See Section 201.5 B.)
- E. The emergency assistance is necessary (1) to avoid destitution of the child or (2) to provide living arrangements for him in a home (203.2).
- F. The child's need is the result of a disaster or a fire which has destroyed items necessary for maintaining the household or the home itself. The emergency must have occurred within a period not to exceed one month prior to application or in the event of hospitalization of the specified relative(s) within 30 days of the emergency, application must be made within a period not to exceed two months.

- G. For current **TANF** recipients, needs can be met through EA in addition to the regular assistance payment. The EA payment does not affect the regular **TANF** money payment. An EA payment may not be issued, however, to replace money lost by the recipient or for the loss of earnings.

203.2 EMERGENCY ASSISTANCE FOR DISASTER OR FIRE

- A. NEEDS COVERED - Emergency Assistance shall be used as indicated below to cover **the immediate needs of the applicant** resulting from the specific type of emergency. Evidence that the emergency occurred and the date of the emergency must be entered in the case record.

The total amount granted to a family under the EA Program shall not exceed \$500.00 during any one period of thirty (30) consecutive days in any twelve (12) consecutive months.

Standards of assistance, as specified in Section 304 are not applicable. Emergency Assistance can be used to provide items **such** as food, shelter items, clothing, repair or replacement of household equipment which has been destroyed or rendered unusable, **and** moving or storage of household equipment.

- B. AVAILABLE RESOURCES - Emergency Assistance cannot be granted when other resources are available to meet the family's needs. EA cannot be granted when there is another agency in the community, **insurance policies, or other immediate resources** which are known to meet the particular need promptly in that particular type of emergency. **If other resources are available but are insufficient to meet the particular immediate needs, EA may be granted.** Evidence must be entered in the case record that specific community resources have been investigated.

**Example:** On May 2, a TANF household experiences an emergency as a result of a fire. The household sought emergency housing and other necessary items. An application was submitted for the emergency assistance program. The emergency needs of \$500 exceeded the amount of \$300, which was provided by community resources. EA of \$200 was granted to supplement the community resources.

Income immediately available to the family, **such as cash on hand or money in the bank at the time of application,** must be **evaluated** in determining the amount of assistance granted. **Note: Anticipated wages must be evaluated even though they may not be available to meet the emergency need.** The provisions of Section 305 are generally applicable except that income disregards are not applicable.

- C. METHOD OF PAYMENT - Payment for purchase, repair, moving or storage of household equipment must be made by the vendor method to the provider of goods or services.

Payment to meet other needs may be either a money payment to the recipient or a vendor payment to the provider, whichever is most practicable and advantageous to the family.

203.3 AUTHORIZATION FOR TANF-EA - Emergency Assistance must be authorized during a period not to exceed thirty consecutive days within any twelve consecutive months. This thirty-day period begins with the date of the first authorization of payment by agency action. Payment may cover specified needs arising prior to the date of authorization, retroactive to the date the emergency occurred, as specified in Section 203.1 F. Payment also covers needs anticipated during the thirty-day period following the initial authorization of emergency assistance, provided it is established that such need will continue to exist for that period.

If it is established at a later date within the thirty-day period that other allowable needs exist, additional payments may be authorized within the time limit up to the maximum specified in Section 203.2.

203.4 REFERRAL FOR SERVICE - In all cases in which EA is requested, referral must be made to staff or other appropriate agency for any other services that meet needs attributable to the emergency.

Other Income	305.4
Other Income Disregards	305.4 A.
Income from Social Security and Other Benefits	305.4 B.
Lump Sum Payments	305.4 C.
<b>(Pages 28 - 32 deleted effective 7/04)</b>	
Sponsored Aliens	305.4 D.
Support from Relatives	305.4 E.
Deeming Income	305.4 F.
Other Cash Income	305.4 G.
Benefits and Services Received in Lieu of Income	305.4 H.
Income of Excluded Children Required to be in the Assistance Unit	305.5
Appendix 1 - Maximum Income Chart	
Appendix 2 - Evaluation of Food and Clothing Contributed	
Appendix 3 - TANF Grant Calculation	
Appendix 4 - SSA Quarters of Coverage Verification Procedures for Aliens	

- b. the earned income of an **individual which is funded by the Workforce Investment Act of 1998 (WIA)**;
- c. for TANF-UP, unemployment compensation benefits;
- d. lump sum payments per [305.4.C](#);
- e. **the earned income of a child that is a full or part-time student.**

If the income of the assistance unit exceeds 185%, the case is ineligible for a payment.\*

## 2. Screening at the Standard of Assistance

The following procedures are applicable to the standard of assistance screening:

### a. Applications, Including Persons Being Added to An Existing Assistance Unit

Once the total gross countable income of the assistance unit is determined to be less than or equal to 185% of need, income must then be screened at the standard of assistance allowing earned income disregards where applicable.

### b. **All AUs will be allowed the following deductions from earned income:**

- (1) **The standard deduction\*\*, the same amount used in the standard deduction for the Food Stamp program, and 20% of the remainder is deducted from the gross earnings.\*\*\***  
(Refer to [Appendix 3](#) to Section 305, Step 2 and Section [305.3.B.7.](#))

Assistance Unit	Standard Deduction
1-4 members	\$134
5 members	\$149
6 or more members	\$171

### c. Ongoing Cases

Once the total gross countable income of the assistance unit is determined to be less than or equal to 185% of need, income must then be screened at the standard of assistance allowing earned income disregards where applicable.

### d. The following income is disregarded when income is screened at at the standard of assistance:

- 1) all income specifically disregarded in [305.4.A](#);

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\* 45 CFR 233.20(a)(3)(xiii)  
 \*\* 22 VAC 40-295-60  
 \*\*\* 22 VAC 40-295-60

- 2) the earned income of an **individual which is funded by the Workforce Investment Act of 1998 (WIA)**;
- 3) lump sum payments per 305.4.C.
- 4) **the earned income of a child that is a full or part-time student.**

If the assistance unit has income below the standard of assistance, the payment is calculated based on prospective budgeting.

B. Prospective Budgeting\*

1. Budgeting Concept

In order to be eligible for TANF, a case must be eligible under income requirements. The amount of the payment which an assistance unit is eligible to receive will be calculated based on prospective budgeting.

Prospective budgeting is calculating the TANF payment using the anticipated income of the members of the assistance unit and the excluded persons required to be included in the assistance unit in the budget month. For purposes of determining the amount of the TANF payment and the amount of income to be counted, the payment month and budget month are the same.\*

2. Income To Be Counted In Calculating the Payment

The payment is to be calculated using the methods listed below. The assistance unit's circumstances must be evaluated to determine which method(s) will provide the amount of income anticipated (best estimate) to be received in the payment month.

For purposes of determining the amount of income to be counted in calculating the payment, anticipated income means any income the applicant/recipient and local agency are reasonably certain will be received during the payment month. If the amount of income or when it will be received is uncertain, that portion of the assistance unit's income that is uncertain shall not be counted by the local agency.

"Reasonably certain" means that the following information is known:

- who the income will come from,
- in what month it will be received, and
- how much it will be (i.e., rate, frequency and payment cycle).



The case record must be documented to reflect the method used to arrive at the anticipated income.

**Eligibility must be determined for each month of the application period. Applicants may be ineligible for the month of application and eligible for the month following the month of application. Benefits must be denied for the month of application in ADAPT and granted for the month following the month of application.**

Example #1: - On **November 17**, the worker processes an application dated October 29. Based on converted income received in November, the case is not eligible; however, the case will be eligible for a December payment. Therefore, the case is to be approved effective December 1.

Example #2: - On **July 14**, the worker processes an application dated **June 1**. The application was not processed within the **30-day** application processing time frame due to a delay by the examining physician in supplying necessary medical information. Verification is received July 13, the worker determines that the case **is** eligible. The worker **approves the case with July 1, as the beginning date of assistance.**

Example #3: - On **December 6** the worker receives all necessary verification to process an application dated **November 3**. The assistance unit received a lump sum insurance settlement on **December 2**; the assistance unit (AU) has no other countable income. The AU is not eligible for the month of application; verification not provided timely. The AU is ineligible for December; lump sum exceeds the standard of assistance. The applicant provides verification showing all monies from the lump sum has been used. The beginning date of assistance for this application is **January 1**.

Example #4: - On **December 12**, the worker processes an application dated **November 3**. The case is eligible for a December payment but ineligible for a January payment. A payment is to be issued for December, and the case is to be closed effective **December 31**.

C. Verification of Income (Earned and Unearned)

In order to establish income eligibility, verification of all income received or anticipated to be received monthly by the assistance unit is required at the time of application/reapplication, when adding individuals with income, at renewals, and when a change becomes known to the agency. When verification is required, the agency must notify the applicant/recipient of the necessary verification and allow the assistance unit 10 days to respond. The assistance unit has primary responsibility for verifying income. The assistance unit is not responsible for providing verification of reported unearned income for which verification is accessible to the local agency through systems of records. These records include Bendex, SDX, SVES and VEC inquiry of unemployment benefits. If the applicant/recipient fails to verify income within 10 days of notification, policy at [401.2.B.1. and 2.](#) regarding substantiation of eligibility factors is to be followed. Verification may be verbal or written in accordance with [Procedures](#) Section VII.

When verbal verification is obtained, the case record documentation should include the name and telephone number of the individual who provided the information, the date of contact, and the information obtained.

- a. net losses from previous periods;
  - b. federal, state, and local taxes;
  - c. money set aside for retirement purposes;
  - d. personal expenses, entertainment expenses, and personal transportation;
  - e. depreciation of equipment, machinery, or other capital investments necessary to the self-employment enterprise.
- B. Disregarded Earned Income - As specified below, certain earned income of members of the assistance unit and excluded individuals required to be in the assistance unit must be disregarded in determining need of the assistance unit and amount of assistance to which the assistance unit is entitled. In addition, income disregarded under the provisions of other federal assistance programs must not be counted as income to the **TANF** assistance unit\*. The items listed below are disregarded during the 185% screening. Income disregards are to be applied to gross earned income in the order listed below. (Refer to [Procedures](#) Section VII.A.1.c. to determine student status).
- 1. **All payments issued under the Workforce Investment Act of 1998 (WIA), including Job Corps payments.\*\***
  - 2. Other earned income of any eligible child who is a student\*\*\* must be disregarded in the 185% screen, determination of need (for applicants) and grant computation.

\* 45 CFR 233.20(a)(4)(iii)

\*\* Public Law 105-220

\*\*\* 22 VAC 40-295-60

3. Standard Deduction\* - A standard deduction is **subtracted from the** gross earned income for the assistance unit whose income is not otherwise exempt.\*\* **Individuals not included in the AU will not be considered when determining the appropriate standard deduction.**
4. 20% Deduction of the Remaining Earned Income\*\*\* - After applying the disregards in items 1-3, deduct 20% of the remaining earned income, including profit produced by self-employment.

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\* 22 VAC 40-295-60

\*\*45 CFR 233.20(a)(11)(i)(B)

\*\*\* 22 VAC 40-295-60

5. Incapacitated Adult/Child Care Disregard - Anticipated child care expenses, up to the appropriate maximums, must be disregarded in determining initial eligibility **and determining the amount of payment** (Step 2 **and 3** of Appendix 3 to Section 305). **The cost of child care may be paid for by a service vendor payment, by the client, or a combination. The child care expenses paid by the client are to be disregarded from earned income up to the maximum.** Prior to allowing the child care disregard, it must be verified that a service vendor payment is not being issued concurrently.

Anticipated incapacitated adult care expenses, up to the appropriate maximum, will be disregarded in both the initial eligibility determination and determining the amount of payment. The appropriate child care/incapacitated adult care disregard will be based on his/her employment status. Incapacity must be supported by a professional determination. The **TANF Medical Examination form (032-03-654)** is used for this purpose, unless incapacity is established by receipt of Social Security Disability benefits.

a) Employment status refers to:

- 1) Full-time Employment - Employed to work 30 hours or more per week on an on-going basis;
- 2) Part-time Employment - Employed to work less than 30 hours per week on an on-going basis;
- 3) Not Employed Throughout A Month - Applicable when an individual begins or terminates employment.

b) To determine the employment status of an individual who is not employed to work a specific number of hours on an on-going basis, such as a person employed on an on-call basis, as needed basis, or fluctuating basis, the following criteria should be used:

- 1) Full-time Employment - Working, or expected to work, 120 hours or more per month;
- 2) Part-time Employment - Working, or expected to work, less than 120 hours per month.

Verification of an individual's employment status should be provided by either an employer's statement of the number of hours employed to work, or actually worked, or by pay stubs. For self-employed individuals, the agency will be required to accept the client's statement concerning the number of hours worked, unless the agency has reason to question the validity of the statement.

Failure or refusal of the applicant/recipient to submit verification of the expense will result in the amount of the payment being determined without the expense being disregarded. If the verification is subsequently provided, eligibility will be re-evaluated, and a supplement issued for the month for which the disregard was not allowed. If termination or denial results from not allowing the disregard, follow policy in Section 401.3.F.5. This disregard, when applicable, is to be deducted from budget month income. Additionally, the disregard cannot be applied if the provider of care is a member of the assistance unit.

Budgeting adult/child care (if chosen):

Example 1: In December, the income and adult care/child care (if chosen) expenses anticipated for January, using appropriate maximums, are verified and used to determine the amount of the January payment.

Example 2: Budgeting the child care disregard of a child turning 2 years old when employment is full-time:

The child turns 2 on February 5. In calculating February's payment, anticipated income and child care expenses, not to exceed \$200, are verified and used to determine the amount of the payment because the child was under 2 during that month. For March, anticipated income and child care expenses, not to exceed \$175 (child now 2), are used to determine the amount of the March payment.

Example 3: An ongoing recipient works part-time and has chosen to have child care costs disregarded. In May she reported that her job changed to full-time on May 15. The prospective for June must reflect the appropriate maximum disregard for full-time employment. If eligible, the June payment will be calculated using the full-time maximum.

NOTE: Earned income cases that become ineligible may be eligible for transitional child care benefits. See Section 401.8.

- C. Countable Earnings - The amount of monthly earnings remaining after the appropriate disregards have been deducted is the countable earned income to be used in computing need and amount of assistance.





17. Any funds distributed to, or held in trust for, members of any Indian tribe under Public Law 92-254, 93-134, 94-540, 98-64, 98-123, 98-124 or 97-458. Additionally, interest and investment income accrued on such funds while held in trust, and purchases made with such interest and investment income are disregarded.\*
18. The following of distributions received from a Native Corporation under the Alaska Native Claims Settlement Act (Public Law 100-241):
  - a. Cash (including cash dividends on stock received from a Native Corporation) to the extent that the total received does not exceed \$2,000 per individual per calendar year;
  - b. Stock (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock);
  - c. A partnership interest;
  - d. Land or an interest in land (including land or an interest in land received from a Native Corporation as a dividend or distribution on stock); and
  - e. An interest in a settlement trust.

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\* 45 CFR 233.20(a)(4)(ii)(e)

19. Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Public Law 94-114).
20. In determining eligibility for assistance, the first \$50 of total child or child and spousal support payments received by the assistance unit is to be disregarded. In calculating the initial month's payment(s) the \$50 disregard is only to be applied if it is anticipated that \$50 will not be collected by DCSE subsequent to case approval (the date that the approval action is keyed into ADAPT). If it is anticipated that at least \$50 will be collected, the support disregard is not to be applied when calculating the initial payment since the unit will receive a disregard payment from DCSE.\* If the amount that is anticipated to be collected by DCSE after case approval is less than \$50, disregard an amount from the support received prior to case approval that will ensure the total support disregard for the month does not exceed \$50. For ongoing cases, DCSE will send each assistance unit a disregard payment of the first \$50 of child support received each month (see item 24 below). The \$50 disregard is only applicable to current child/spousal support payments received each month.
21. Payments sent to the recipient by the State which are identified as disregarded support.\*
22. Federal major disaster and emergency assistance provided under the Disaster Relief and Emergency Assistance Amendments of 1988 and disaster assistance provided by state and local governments and disaster assistance organizations (Public Law 100-707).
23. Payments received by individuals of Japanese ancestry under the Civil Liberties Act of 1988, and by Aleuts under the Aleutian and Pribilof Islands Restitution Act (Public Law 100-383).
24. Payments by VIEW for support services such as transportation, uniforms, child care, etc.\*\*
25. Any payment received from the Agent Orange Settlement Fund or any other fund established in response to the Agent Orange product liability litigation.\*\*\* To verify whether a payment is an Agent Orange payment, use documents in the individual's possession. If the individual cannot provide verification or the situation is unclear, write to the Agent Orange Veteran Payment Program, P.O. Box 110, Hartford, CT 06104, Attention: Agent Orange Verification. Include in the request the veteran's name and social security number. If a survivor of a qualifying veteran was paid, also provide the survivor's name and social security number.
26. Payment received by individuals under the Radiation Exposure Compensation Act (Public Law 101-426).

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\* 45 CFR 233.20(a)(4)(ii)(j)

\*\* 45 CFR 233.20(a)(11)(v)(c)

\*\*\* Public Law 101-239

27. Funds received pursuant to the Maine Indians Claims Settlement Act of 1980 (Public Law 96-420); and the Aroostook Band of Micmacs Settlement Act (Public Law 102-171).
28. Funds paid to an escrow account established under the Family Self-Sufficiency Program of the Department of Housing and Urban Development.
29. Student financial assistance received under Bureau of Indian Affairs student assistance programs.\*
30. Interest earned or appreciation in value on a savings or investment account for the purpose of self-sufficiency.
31. Up to \$2,000 per year of income received by individual Indians, which are derived from leases or other uses of individually-owned trust or restricted lands.\*\*

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\* Public Law 102-325

\*\* Public Law 93-134

32. All bona fide loans, regardless of the intended use.\* This includes loans obtained for any purpose, and may be from a private individual as well as from a commercial institution. A simple statement signed by both parties indicating that the payment is a loan and must be repaid is sufficient to verify that a loan is bona fide. If the customer indicates that money received was a loan but does not provide required verification, the money is to be treated as unearned income in the month received.

Interest earned on the proceeds of a loan while held in a savings account, checking account, or other financial instrument will be counted as unearned income in the month received.

33. Income, including support, received by or on behalf of a child ineligible for TANF due to the family cap provision.\*\*
34. Payments received by victims of Nazi persecution under Public Law 103-286.
35. Matching contributions deposited in an individual development account (IDA) or on the applicant/recipient's behalf in a parallel account maintained by the organization administering the IDA program. (Refer to Sections 303.2 I and J regarding IDA's.)
36. Income received by children who are in a VIEW period of ineligibility.
37. Interest income of less than an average of \$10 per month.
38. TANF Match Payments issued to TANF recipients based on current support collected by the Division of Child Support Enforcement.
39. Any veteran benefits received by children born with spinal bifida, who are natural children of individuals who served in Vietnam during the period beginning January 9, 1962, and ending on May 7, 1975.
40. Payments received from the Ricky Ray Hemophilia Relief Fund established under Public Law 105-369.
41. Allowances, earnings, and payments to individuals participating in programs under Title I of the Workforce Investment Act (WIA).\*\*\*

B. Income From Social Security and Other Benefits - Monthly benefits received or anticipated to be received by members of the assistance unit, or individuals required to be in the assistance unit, must be counted as income, with the following exceptions:

1. When a member of the assistance unit is eligible for benefits (such as but not limited to, RR Retirement, private corporation retirement,

\* 45 CFR 233.20(a)(3)(xxi)

\*\* Code of Virginia, Section 63.2-604

\*\*\* 20 CFR 667.272 (c)

Veterans, Social Security, or any reduced benefits), the verified amount must be counted, even though the individual chooses not to accept such benefits.

The agency has a responsibility to explore potential resources and assist the applicant/recipient in developing them to a state of availability whenever possible.\*

2. When educational benefits are being received from Veterans Administration. (See 305.4.A.12.)
  3. When the Medicare Part B premium is deducted from the Social Security or Railroad Retirement benefits of an individual who is also receiving Medicaid. The amount of benefits actually received, plus the amount of the Part B premium, is counted as income since Medicaid will pay the premium during the time the individual receives Medicaid.
- C. Lump Sum Payments - The receipt of a nonrecurring lump sum payment, such as the accumulation of benefits for a prior period, including Social Security and Workmen's Compensation benefits; payments in the nature of a windfall, e.g., inheritances or lottery winnings; personal injury awards; life insurance settlement when the policy is owned by someone other than a member of the assistance unit; or income from any other nonrecurring source, **except lump sums for casualty property loss, shall be counted as income in the month of receipt. This evaluation of lump sums also includes those received by the parent(s) of a minor caretaker or a stepparent who is not included in the assistance unit.**

In situations involving casualty property loss payments for repair or replacement of damaged/lost property, such payments will not be considered as **countable income even in the month of receipt as the payment is designed to allow for the replacement of damaged/lost property.**

1. Determining amount of lump sum to be considered - Only the amount received by an individual which is available for maintenance (lump sum, less directly related expenses paid) shall be considered as income.
2. Allowable expenses include, but are not limited to:
  - Payment of debts which are incurred for a member of the assistance unit, such as:
    - medical bills incurred from the period prior to receipt of the lump sum,
    - expenses related to a natural disaster or fire,
    - costs related to avoiding the assistance unit's eviction and/or a utility cutoff,
    - weather related repairs or replacement to the home in which the assistance unit lives, and
    - funeral expenses.

\* 45 CFR 233.20(a)(3)(ix)

Example: Ms. S. notifies the local agency that her claim from an automobile accident has been settled. The settlement was for **\$5,000**. She received from her attorney, a check in the amount of **\$1,000**. The check stub states **\$2,000** was deducted to cover legal **expenses** and **\$2,000** for medical expenses. The \$1,000 that she actually received **is considered income in the month of receipt**.

Lump sum payments received as a result of an accumulation of benefits for a prior period, such as Social Security benefits, will have no directly related expense deductions.

The client must provide verification of payment of those expenses **within 10 days**. In instances where verification of payment is not provided **within 10 days, the lump sum payment in its full amount, must be counted in the month of receipt only**.

3. How to count lump sum - Add the lump sum or the remainder of the lump sum after directly related expenses to other net countable income received in the same month to arrive at total income for month of receipt\*.
  - a. If the applicant/recipient has knowledge of the date and amount of the lump sum before receiving it and reports it, the lump sum or remainder of the lump sum will be counted in the month that it is expected to be received.
  - b. If the recipient reports receipt of a lump sum on the day that it is received or any day thereafter, the lump sum is countable income for the month of receipt only, and must not impact any future months.

Example 1: Applicant applied for TANF on February 15<sup>th</sup>. She was in a car accident several months ago and received a settlement of \$15,000 on December 10<sup>th</sup>. The application must be processed without counting the lump sum as income.

Example 2: A TANF applicant reports at application that she received an insurance check this month to repair damage to her home caused by Hurricane Isabel. She anticipates using the money to repair her home. This lump sum must not be counted as income in the month of receipt or for any future months.

Example 3: An ongoing TANF recipient calls the local agency on March 11<sup>th</sup> to report receipt of a \$5,000 inheritance check. The TANF check for March was issued on the first of the month. The lump sum cannot impact March and must not be counted for any future months.

Money received from the sale of a resource is not considered a lump sum.  
Money received from the sale of or conversion of a resource is a resource.

Example 4: A TANF recipient calls her worker on June 15<sup>th</sup> to report she will receive a Social Security payment for her son on July 3<sup>rd</sup>. The payment will be \$200 for each month; March, April and May. The local agency must count this as income for the month of July.

PAGES 28 - 32 INTENTIONALLY LEFT BLANK



After determining that an alien meets the alienage requirements in Section 201.7.A.2.a. - d, the worker must determine if sponsor deeming is applicable to the individual. The alien groups exempt from sponsor deeming are refugees, asylees, deportees, parolees, Cuban-Haitians, and veterans/persons in active duty and certain of their relatives (Section 201.7.A.2.d). Aliens exempted are responsible for proving that their original entry status was one of those listed above if their current status is different.

1. Aliens Whose Sponsor Executes an Affidavit of Support on or After December 19, 1997

Section 213A of the Immigration and Nationality Act, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208) requires that the sponsor of an alien applying for an immigrant visa or adjustment of status on or after December 19, 1997, sign Form I-864, the "Affidavit of Support Under Section 213A of the Act." The sponsor of an alien who applied for an immigrant visa or adjustment of status before December 19, 1997, is not subject to the requirements of Section 213A and must sign Form I-134, the "Affidavit of Support," or another "non-213A" affidavit of support, as determined by **USCIS**.

should include the reference "Determination under 421(e) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" and should be sent to the following address:

**U.S. Citizenship and Immigration Services**  
Statistics Branch  
425 I Street NW  
Washington, D.C. 20536

- e. Special Rule for Battered Spouse and Child - Sponsor deeming requirements are suspended for a 12-month period from entitlement to TANF for sponsored aliens who have been battered or subjected to extreme cruelty and the local department of social services has determined that there is a substantial connection to the need for benefits and the battery or cruelty.

After 12 months, the battered spouse or child may continue to receive assistance if the battery or cruelty was perpetrated by the sponsor and has been recognized by a court order or **USCIS** determination.

To qualify under this special rule, the batterer must not be residing in the same household as the individual who was subjected to the battery.

Note: This provision only applies if the battered or abused alien entered the U.S. prior to August 22, 1996, but is sponsored on or after December 19, 1997.

- f. Reimbursement Procedures - Execution of the affidavit of support, coupled with the sponsored immigrant's acquisition of permanent residence, creates a contract which is legally enforceable. The sponsor is obligated to reimburse government agencies which provide public benefits, including TANF, to the sponsored alien. Procedures for requesting and receiving reimbursement will be issued in a future transmittal. If repayment is received from the sponsor before reimbursement procedures are issued, contact the Regional TANF Specialist for interim instructions.

2. Aliens Whose Sponsor Executed an Affidavit of Support Before December 19, 1997

Aliens who applied for immigrant visas and those who filed for an adjustment of status before December 19, 1997, are not subject to sponsor deeming, as the sponsor's obligation to support expired after three years.

TANF Grant Calculations

- Step (1) Compare total gross countable income of all members of the assistance unit against the maximum income level (see Appendix 1 to Section 305).

**The earned income disregards of Section 305.1A.1** apply to this step.

If income of the A.U. exceeds the maximum income figure, the case is ineligible. If the income of the assistance unit equals or is less than the maximum income figure go to Step 2.

- Step (2) To be used for screening initial applications and persons being added to an existing assistance unit. In the following order:

- (a) Determine monthly gross countable earned income for the assistance unit.
- (b) Deduct the standard deduction, as defined in Section **305.1A.2**, from total gross earned income of the assistance unit if the **case** qualifies for this disregard and the income is not exempted.
- (c) **Deduct 20% of the remainder of the gross income.\***
- (d) Deduct anticipated expenses up to the allowable maximum as specified in Section 305.3.B.5. for care of each dependent child or each incapacitated adult included in the A.U. if the employed person qualified for this disregard.
- (e) Add any unearned income to the adjusted gross earnings.
- (f) Screen the remaining income against the standard of assistance for the appropriate locality. If there is no deficit, eligibility does not exist. If there is a deficit, go to Step 3.

- Step (3)
- (a) Determine monthly gross countable income for the assistance unit. In the following order:
  - (b) Deduct the standard deduction as defined in Section **305.1A.2 if the** income is not exempt **and** if the **AU** qualifies for this disregard.

- (c) Deduct **20% of the remainder\* of the assistance unit's** earned income if the assistance unit qualifies for this disregard.
  - (d) Deduct anticipated expenses, up to the allowable maximum as specified in Section 305.3.B.5. for care of each incapacitated adult/child, if **appropriate**, included in the assistance unit if the member qualifies for this disregard.
  - (e) Add any unearned income to the adjusted gross earnings. The result is net countable income. Note: The TANF Match Payment is NOT countable unearned income.
- Step (4)
- (a) Choose the appropriate Standard of Assistance for the applicant and all members of the assistance unit from the appropriate locality group (Section 304, Appendices 1 and 2).
  - (b) Subtract the net income, including any unearned income from the Standard of Assistance.
  - (c) If there is a deficit of \$9.99 or less, the assistance unit will be ineligible for a money payment; but the case will be deemed to be eligible for TANF and will be carried as an active TANF case.

## SSA Quarters of Coverage Verification Procedures for Aliens

For aliens sponsored pursuant to the "Affidavit of Support Under Section 213 of the Act," the sponsor's obligation terminates if the alien has worked or can be credited with 40 quarters of qualified work. This appendix, in conjunction with the State Verification Exchange System (SVES) User Guide, contains the process for determining the number of qualifying quarters with which an alien can be credited.

To determine the number of quarters available to an eligible alien unit member, the EW must obtain answers to the following questions:

1. How many years has the applicant, the applicant's spouse, or the applicant's parents (before the applicant turned 18) lived in this country?
2. How many years has the applicant, the applicant's spouse, or the applicant's parents (before the applicant turned 18) commuted to work in the U.S. from another country before coming to the U.S. to live, or worked abroad for a U.S. company or in self-employment while a legal resident of the U.S.?

(If the total number of years to both questions is less than 10 years, the agency does not need to ask question 3 because the 40-quarter standard cannot be met.)

3. In how many of the years reported in answer to question 1, did the applicant, the applicant's spouse, or the applicant's parent earn money through work?

(To determine whether the applicant's earnings were sufficient to establish "quarters of coverage" in those years, the agency should refer to the income chart included in this appendix.)

If the answer to question 3 is 10 years or more, the EW must verify, from **USCIS** documents or other documents, the date of entry into the country for the applicant, spouse and/or parent. If the dates are consistent with having 10 or more years of work, an inquiry through SVES must be made.

The applicant must complete the "Consent for Release of Information" (copy on page 4 of this appendix) by providing full name, social security number and date of birth of each individual (self, spouse, or parent) whose work history is relevant to the sponsor deeming determination. In addition, the applicant must provide a consent form signed by each such individual, except deceased persons, giving SSA permission to release information through SVES on that individual to the agency and/or the applicant. The form must be retained in the case file to document the individual's consent. A consent form is valid for 12 months from the time of the signature.

- D. Who Completes the Application - The applicant must complete the application himself when he is physically and mentally capable of doing so. If he is unable to complete the application, the information and help he needs must be given. If help is needed, the interactive interview must include time to read each section of the application to the applicant, with sufficient explanation and rephrasing to make the meaning clear. During the interview the eligibility worker will enter the information provided into the ADAPT system.

After the interview is completed, the information entered must be reviewed with the applicant. The eligibility worker must also read and explain to the applicant/spouse the statements pertaining to the applicant's responsibilities. Only the signature of the person making the application is required. The signature of the spouse should be obtained if possible but the absence of the spouse's signature will not negate the validity of an application. Additionally, when a minor parent requests assistance for her child and her parent(s), the signature of the minor parent's parent(s) or person standing in loco parentis should be obtained if possible but the absence of this signature will not negate the validity of the application.

If the applicant wishes to change any of the information he has provided or any information as it appears on the application, the worker must make the change in the ADAPT system.

When the application is completed by an authorized representative, it must be signed by such individual. The worker must also explain the responsibility for providing accurate information and the penalties for withholding or providing false statements.

- E. Time Standard for Processing Application - **The local agency must provide assistance units that complete the initial application process a decision on their application within 30 calendar days following the application filing date.** This time standard covers the day following the date of receipt of the signed application to the date the assistance check or the notification of denial of assistance is mailed to the applicant. (The applicant must be informed of the time standard at the time of application.)

1. **Exception to the 30 day processing standard may apply when:**
  - a. **the applicant has limitations that hinder him from securing verifications. In this instance the local agency must assist the applicant in securing verifications. The BDOA will be the first of the month following the month of application.**
  - b. **an emergency beyond the agency's control occurs - If an agency delay occurs, and the application was otherwise eligible, the BDOA must be the date of application.**
2. **At no time should the application remain pending beyond 60 days.**

If action is not taken within the time standard, the case record must show the cause for delay and the applicant must be notified via the notice of action of the status of his application, the reason for delay and his right to appeal.

- b. If the individual requesting to be added to an approved case is not a required unit member, the date of application is the date of the individual's request.
- 2. Persons Added to a Pending Application - When an individual is added to a pending application, the individual's date of application is the same as for the application already pending.
- H. Effective Date - The term "effective date" **is the same date as the beginning date of assistance** means the first of the month for which the check is applicable, or in the case of termination/suspension, the last day of the appropriate month. (Exception: The effective date for applications approved in the month of application is the date of authorization.)
- I. Beginning Date of Assistance (BDOA) - When eligibility for financial assistance is determined **within 30 days following the date of application**, eligibility shall begin effective the date of **application**. The date of **application** is the date the **signed application was received by the local agency**. No payment shall be made for a period prior to the date of **application**.

If eligibility is not determined **within 30 days following the date the application was received**, the BDOA will be the first of the next month (month following the month in which the application is received, provided eligibility is determined to exist).

**Eligibility must be determined for each month of the application period. Applicants may be ineligible for the month of application and the month of processing, however, if eligibility exist for the future month, approve the application, deny benefits in ADAPT for the month of application and the next month, and grant for the future month.**

Refer to Section [401.2.B.2.c.](#) and [d.](#) for adding persons to an existing case.

- J. Disposition of Application Under Special Conditions\* - An application may be disposed of for reasons other than approval or denial under the following special conditions. In such cases the "Notice to Client of Action" must be sent.
1. Withdrawal - An applicant may voluntarily withdraw his application at any time during the initial determination of eligibility. This may be done by a signed statement indicating the wish to withdraw the application or may be done by verbal request. The "Notice of Action" must be sent to confirm the applicant's notification that he wishes to withdraw. It can be printed and given to the applicant during the interactive interview.
  2. Inability to Locate - If reasonable efforts to locate the applicant are unsuccessful, the agency must include on the notice to client of action the agency's attempts to locate him or request that he contact the agency. If the applicant does not contact the agency so that a decision can be made within the time standard, the application will be denied.
  3. Death - If the applicant dies before action can be taken on his case, his application is denied and a letter must be sent to the next of kin, if known, advising that an application for public assistance on behalf of the eligible children had been made and is being denied. The case record must contain verification of death, including the date of death.

When an application is disposed of under one of the conditions described above, board action on the case is not required, but the basis for termination must be recorded in the case record. Cases denied under these conditions are recorded statistically as applications withdrawn and should be reported to the local board at its next meeting.

\* 45 CFR 206.10(a)(8)



B. Substantiation of Eligibility Factors

1. Initial Eligibility

The applicant must be advised of the need to substantiate the eligibility factors (e.g., categorical requirements and income) and that he may have in his possession the necessary evidence to establish eligibility. The responsibility of the eligibility worker is to secure, evaluate, substantiate, and record the facts regarding each element of eligibility, including the date of substantiation and the method of securing the information. This information must be entered into the applicant's ADAPT case file to the extent possible. In addition, the worker must complete the Permanent Verification Log (032-03-823A) and either the Evaluation of Eligibility Form (032-03-823) or the ADAPT Verification Form (032-03-366) to record all other information obtained in evaluating eligibility and the benefit amount.

At the time of application, there should be a joint decision between the client and the worker as to how necessary verification will be secured and who will assume the responsibility for securing each.

If, after advising the applicant of the necessary information, the applicant is reluctant or unwilling to provide verifications and refuses to permit the worker to secure them, the worker must consider carefully with him his reasons and explain that without the required verification, eligibility cannot be established. Exception: If the client is unable or refuses to provide verification of categorical requirements for a child who is required to be included in the assistance unit or if the child does not meet the conditions of eligibility, that child will be excluded; however, it may be possible to determine eligibility for the remaining assistance unit members.

If the client decides to assume the responsibility for obtaining the required verification, he must be advised that the information must be provided to the agency within ten (10) days and that failure to do so may affect the decision of eligibility. If the client cannot obtain the necessary information, because of circumstances beyond his control, and requests the worker's assistance in securing such information, the agency worker must then assume the responsibility for obtaining the needed verification.

When the responsibility for obtaining verification has been assumed by the worker, the client must be advised that if the agency or person from whom verification has been requested does not respond to the request, eligibility cannot be established. In these situations, the Notice to Client of Action must be sent and the case record documented to reflect attempts made to obtain verification. Copies of all relative correspondence must also be in the case record.

If eligibility is established within the original 30-day processing time, the original application date is protected when an application is denied as a result of lack of required verification. The initial application date must be used if subsequent information substantiates the applicant's eligibility. (See 401.3.F.5.)

## 2. Ongoing Eligibility

When changes occur within the renewal period that affect eligibility or benefit amount, the agency must evaluate the change and take action to adjust the benefit amount, if necessary. **The responsibility for changes lies with both the recipient and local agency. The assistance unit must report changes in income and assistance status. Unless exempt, ongoing cases are subject to interim reporting requirements and must file an Interim Report about their circumstances between renewals.** The agency must make adjustments in entitlement and benefit amount based on reported changes and for changes the agency initiates.

### a. Changes That Must Be Reported

- 1) The following changes must be reported by the assistance unit following case approval:
  - Changes in address (a new physical or mailing address); and
  - Changes in income that place the monthly income of the assistance unit (**composition at approval or most recent renewal**) above 130 percent of the federal poverty level (FPL).
  - That an eligible child has left the home.

Assistance units must report the changes listed above within 10 calendar days from the date the unit knows of the change, but the report is timely if reported by the tenth of the following month. The 10-day period begins the day the change becomes known to the assistance unit. If the assistance unit is uncertain of the exact date or the exact amount of income that has changed, the 10-day reporting period begins the day the change occurs. The change may be reported on the Change Report form, by telephone, face-to-face, by mail, or electronically. The unit may also report a change of its circumstances with the filing of the Interim Report. Changes may be reported by an assistance unit member or any person having knowledge of the assistance unit's circumstances. When the report is made by mail, it may not reach the local agency within the 10-day period. The assistance unit will have met the reporting requirement if the letter is postmarked within the 10-day period. Substantiation of eligibility factors or verification of any change requested by the worker must be provided by

the recipient as soon as possible but no later than 10 days from the date the information is requested.

2) Local Agency Action on Changes

The agency must act promptly to terminate or to adjust benefits when changes in the assistance unit's circumstances or income are reported by the recipient, including information about an impending change reported at application.

The TANF case must reflect the following changes:

- changes reported by the assistance unit;
- changes put into ADAPT to meet reporting or policy requirements of another program;
- changes to prevent duplicate receipt of benefits; and
- changes that are considered verified upon receipt, such as notification by the foster care worker that a child has been removed from the home and placed in foster care.

Other information may become known to the agency through other means than listed above. If the change is one that the assistance unit was required to report, the agency must act on the information. If the change is a change that was not required to be reported, the agency must hold the information and evaluate it at the next interim report or renewal, whichever comes first.

Action will be taken according to Section 305.1, page 11.

- b. Substantiation of Eligibility - The recipient must be advised of the need to substantiate eligibility factors whenever a change is reported. When changes that affect eligibility or payment amount occur after the case has been approved, the responsibility for the change lies both with the recipient and the local agency.

If required verification is not obtained or provided in time to prospectively determine eligibility for the next payment or to complete a redetermination by the due date, continuing eligibility cannot be determined and the case will be suspended for one month only. If verification is still not provided, the case will be closed for the month following the month of suspension. (See 401.3.G.4.)

If verification is provided after the action to suspend has been taken, the worker will reinstate assistance for the month of suspension, if appropriate. Or, if verification which establishes continued eligibility is provided after action to

close has been taken but before the effective date of closure, the worker will reinstate assistance effective with the month closure was to occur.

- c. Adding Persons Required To Be in the Assistance Unit - The assistance unit must report a new unit member when completing a renewal or Interim Report. If a new unit member enters the home between renewals or Interim Report filing, the report is considered timely provided the individual entered the home after the most recent renewal or Interim Report was completed. The change to add a person required to be in the assistance unit must be made by the agency within **30** days following the date the new member was reported.

- 1) Eligibility for Payments - Once the agency has secured verification of categorical requirements and conditions of eligibility have been met, the individual's needs and income are to be included in determining eligibility and the amount of future payments.

If verifications and conditions of eligibility are substantiated within the **30**-day time frame for adding persons or the **30**-day period has passed and the agency can document that the delay in providing categorical verifications/meeting eligibility conditions was due to good cause (beyond the assistance unit's control), payments beginning with the date the change was reported must be recalculated considering the individual's needs and income.

Regardless of whether the new individual's presence is reported timely, if the required categorical verifications are not provided or the conditions of eligibility are not met until after the **30**-day time frame established for adding the individual, and the delay was not due to good cause (beyond the assistance unit's control), eligibility for retroactive payments is to be determined beginning with the date the last required verification was received by the agency or condition of eligibility was met. Any underpayments identified must be corrected.

The above procedures will require the proration of the first month's assistance in most instances. (Refer to Section 502.2.A.)

NOTE: Refer to 201.12 for the family cap provision which affects newborn children, some adopted children, and the child subject to the family cap provision who moves back into a parent's home.

Practices Specifically Prohibited - The following practices are specifically prohibited:

- (a) Entering a home by force, without knocking or under false pretenses.
  - (b) Making home visits outside of working hours, unless such a visit cannot be arranged during working hours because of the applicant/recipient's employment, or a home visit has been requested by the applicant/recipient. When such visits are necessary, the case record must be documented accordingly. Making visits other than specified is not acceptable under any circumstances.
  - (c) Searching in the home, in closets, drawers or papers, etc.
- D. Recommendation Regarding Eligibility - The eligibility study must be completed as promptly as possible, but in all cases within the time needed to assure the assistance check, or notice of denial is mailed to the applicant within 30 days following the date of application.\* When the eligibility study is completed, the eligibility worker is responsible for making a recommendation of eligibility or ineligibility. The recommendation must be supported by the facts recorded in the eligibility case record.
- E. Decision of Eligibility - Federal regulations\*\* require a decision be made promptly on applications, in accordance with the State established time standards, unless the application is disposed of under special conditions.

A decision of eligibility or ineligibility must also be made when eligibility is reconsidered as specified in Section 401.3.\*\*\*

The Code of Virginia, Sections 63.1-109 and 63.1-114, provides that the decision of eligibility is the responsibility of the local board. However, the Superintendent is to take action with regard to eligibility if the local board does not act within the specified time limits or if the circumstances require immediate assistance to prevent hardships or other action. The superintendent's action in such instances is official and not subject to confirmation by the local board; the case must be presented to the local board at the next meeting, however, for action on continuing eligibility.

Case Action - This is the formal agency action and is required with respect to initial determination of eligibility and, if eligibility exists, the amount of assistance and BDOA; persons eligible for assistance; method of payment and designation of payee, if other than eligible person; changes in amount of assistance payment; ineligibility for assistance.

All case actions must include the effective date of the action taken. In actions regarding an initial payment, this will be the BDOA.

\* 45 CFR 206.10(a)(3)

\*\* 45 CFR 206.10(a)(8)

\*\*\* 45 CFR 206.10(a)(9)

401.3 RENEWAL OF ELIGIBILITY - Eligibility for TANF recipients must be redetermined on all eligibility factors subject to change at least every 12 months, unless a shorter renewal period is required by Food Stamps.

A. A renewal of eligibility cannot be considered complete and the renewal date cannot be updated in ADAPT until the following requirements have been met:

1. All elements must be reevaluated and substantiated except date of birth; relationship, if the caretaker remains the same; citizenship; and social security number; or
2. If all required elements have not been reevaluated and substantiated, assistance must be suspended in accordance with Section 401.3 G. The time limit on suspension of assistance (one month unless there is a different reason to suspend for a second month) is applicable to renewal suspensions.
3. The month in which the renewal of eligibility is due to be completed is counted from the date of eligibility (include the month of initial eligibility in this computation) and any changes discovered during the review process should be reflected in the following month, unless such changes are prohibited by the time standards.

Example:

Date of Application - July 3
Date of Approval - July 20
BDOA - <b>July 3</b>
Renewal Due - June - Effective July 1
Date of Application - July 10
Date of Approval - August 7
BDOA - <b>July 10</b>
Renewal Due - <b>June</b> - Effective <b>July 1</b>
Date of Application - July 21
Date of Approval - September 5
BDOA - August 1
Renewal Due - July - Effective August 1

B. A face-to-face interview must be completed with the recipient once every 12 months.

1. A face-to-face interview may be conducted in the office of the local department of social services, the home of the recipient, or a place agreeable to both parties which will insure privacy and confidentiality. Home visits may be made as deemed necessary by the eligibility worker based on the recipient's circumstances. If a home visit is made, the eligibility worker must complete the redetermination interview using the Application for Benefits or the Eligibility Review form, Parts A and B.

2. The recipient's rights and responsibilities must be reviewed and explained.
- C. Joint Processing - The Food Stamp Act of 1977 requires that renewals for TANF and the Food Stamp Program be handled in a single interview when the following conditions exist:
1. When all persons in the case receive TANF and food stamps as the same household, and
  2. When the SOF is completed prior to the month or in the same month in which the certification period ends. (Refer to the Food Stamp Certification Manual, Volume V, Part II, H.) The provisions in Section 401.1.A. also apply to renewals.
- Joint processing is also required when conducting an Interim Report review. TANF and food stamp cases with the same case number will receive one Interim Report. Information provided must be used to determine both food stamp and TANF eligibility.
- D. Overdue Renewals - In the event that a renewal of eligibility is not completed according to the above, the worker will adjust the time frame by scheduling the intervals at no later than 12 months from the month in which the application is completed. Example: The regularly scheduled renewal was due to be completed in January; however, it is not done until March to be effective April 1. The next renewal will be due in March.
- E. Establishing Separate Assistance Units - A new application must be completed when an individual or family separates from a family group which is receiving assistance and forms a separate assistance unit. The new application must be processed in accordance with policy.
- F. When Completion of a New Application Is Not Required
1. Adding an individual to an existing assistance unit. Verification of all eligibility requirements must be obtained on the new individual and an evaluation of the new assistance unit's need and eligibility must be made. (See 401.2 B.2.c. and d.)
  2. A guardian, committee, or personal representative payee is appointed or the payee changes. The new payee, identified as committee or personal representative, must sign a new SOF.
  3. Emergency Assistance is granted to a current recipient of TANF.
  4. The action to deny an application is reversed by a hearings decision.
  5. Action taken to deny an application or close a case as a result of the lack of required verification is reevaluated as a result of information received by the worker within **30 days following** the application date or prior to the effective date of closing and eligibility is determined to exist. (See 401.2.B.)

- G. Suspension of Assistance\* - The grant may be suspended for one month when the agency has reason to believe that ineligibility will exist for only that month. The grant may be suspended for two consecutive months only when the reason for suspension in the second month is different than the reason for the suspension in the first month. There shall be no instances in which a case is suspended for more than two consecutive months. If the information needed to establish continued eligibility is not provided or renders the case ineligible, the payment for the following month will be terminated and the case closed.

Suspension of a payment is appropriate when:

1. Actual income is being used to calculate the payment according to policy in Section 305.1.B.2. and it is anticipated the recipient will receive a periodic extra pay check in the payment month.
2. Anticipated income causes ineligibility for one month.
3. The agency cannot contact the client and contact is necessary to establish continuing eligibility and the client cannot be located or agency mail to the client has been returned by the post office. The case record must be documented on agency efforts to locate the client. Suspension shall occur as soon as administratively possible.
4. Information needed to verify a change in circumstances or to substantiate eligibility is not provided in time to impact the next payment. (See 401.2.B.2.)
5. The customer fails to appear for a renewal interview.
6. The customer fails to return an Interim Report **(not applicable to FEP cases)**.
7. **The current net monthly support exceeds the current TANF benefit (ADAPT will automatically close the case when net support exceeds the TANF benefit for two consecutive months).**

Exception: The full grant is sanctioned (i.e., the case is eligible for \$0 grant) when a VIEW participant is not in compliance with VIEW work requirements. Since the TANF case is not closed for a VIEW sanction, the sanction is imposed by a suspension of the grant using the appropriate suspension code.

- H. Interim Reporting - Interim report filing is required for all cases, unless they are exempt from filing as noted below. Assistance units subject to interim reporting must file an Interim Report by the sixth month of the renewal period. The assistance unit composition and financial circumstances reported on the Interim Report will be the basis of the TANF benefit amount for the remainder of the renewal period, unless the assistance unit reports additional changes after filing the Interim Report.

1. Exemption from Filing
  - a. All adult members of the assistance unit are elderly (60 years of age or older);

\* 45 CFR 233.34(d)



## 2. Agency Responsibilities

The local agency must review the list of cases sent the Interim Report against the returned forms. If an assistance unit fails to return the form by the fifth day of the sixth month of the renewal period, the agency must send the assistance unit another form along with the Interim Report Form - Request for Action (032-03-649). The assistance unit will have 10 days from the mail date to return the second Interim Report.

### J. Interim Report Evaluation - The agency must assess Interim Report forms received from assistance units **for completeness, accompanied verifications, and reported changes.**

1. Interim Report Returned Timely - If the assistance unit returns the Interim Report timely and there are no changes in circumstances, the EW must rescind the suspension and reinstate the case in ADAPT. If there is a change in eligibility or grant amount as a result of information received on the Interim Report, the grant must be revised and an adequate notice sent.
2. Interim Report Not Returned Timely - If the returned Interim Report is incomplete or lacks required verifications of reported changes, the agency must send the Interim Report Form - Request for Action (032-03-649), and the original Interim Report to the assistance unit. The unit will have 10 days to supply information, verification, or to complete the form. The agency must photocopy the incomplete Interim Report before sending the form back to the assistance unit.

The agency must consider the report incomplete if:

- The form is not signed by an individual listed in Section 401.3.I.1;
- The unit fails to submit verification of changed income, residency, or assistance unit members;
- The unit fails to provide information needed to determine eligibility or benefit level; or
- The unit failed to address all questions.

**The EW must use reasonable judgment to determine if the Interim Report is incomplete. For example, if the assistance unit marks "No Change" on the form for income but supplies new pay stubs, the report should not be considered incomplete.**

If a completed Interim Report and required verification are returned within the 10-day time frame, the EW must make adjustments, as needed, to reflect information from the Interim Report in eligibility or benefit amount effective the seventh month. The EW must notify the assistance unit of the benefit calculation based on the Interim Report for the

second half of the renewal period and act to reinstate the case in ADAPT after the evaluation of the Interim Report. The agency must provide an adequate notice to notify the assistance unit of the benefit calculation.

3. **Interim Report Not Returned or Returned Incomplete** - If the assistance unit fails to return the Interim Report or the follow-up Interim Report or if the assistance unit fails to provide needed verifications and the original Interim Report returned for completion, the EW must act to close the case effective the last day of the sixth month. The assistance unit will not receive benefits beginning with the seventh month. The agency does not need to send either an advance or an adequate notice when the assistance unit fails to submit a completed Interim Report or fails to take required actions or to supply requested verifications.
4. **Verification Requirements** - In order to determine eligibility for the second half of the renewal period, the assistance unit must supply verification of eligibility factors. The unit must provide the following:
  - a. Proof of changed earned or unearned income amounts or source;
  - b. Proof of a change in the assistance unit members; and
  - c. Proof of other elements. The assistance unit may need to verify other eligibility elements reported on the Interim Report as needed.

Note: The assistance unit does not need to submit verification of self-employment or contract income that has been averaged.

6. A reevaluation of eligibility based on information received within **30 days of the date following the** application date or prior to the effective date of case closing occurs.

The notice shall be sent immediately following the case action or at the expiration of the time standard for processing applications, as appropriate.

The Notice to Client of Action is used for this purpose. The notice shall state the amount of assistance; the amount of the TANF Match Payment (when applicable); the reasons for the action or failure to act and the regulations supporting action taken; and explain the applicant's/recipient's right to request an agency conference and/or to appeal if he disagrees with the action. A copy of the leaflet, "Appeals and Fair Hearings," must be attached to the form if this information is not printed on the back of the form. Fill in the necessary information on the leaflet. (Refer to the Food Stamp Manual, Part XIX, Appendix I, for a list of legal aid offices in the state.) If the appeals and fair hearings information is on the back of the form, the worker must enter information about the local legal aid program on the front of the form.

- B. Other Action Requiring Adequate Notice - The form, Advance Notice of Proposed Action, will be used to provide adequate notice in certain situations, however, it is not necessary to send it 10 days prior to the effective date of the action. The notice must reach the client no later than the effective date of action. In any situation listed below, the assistance check will not be mailed in the original amount. The following situations would warrant an adequate notice.\*
1. The agency has factual information verifying the death of a recipient or of the payee when there is no relative available to serve as new payee and no person who can serve temporarily as emergency payee.
  2. The agency has verified that any member of the unit has been admitted or committed to an institution in which he does not qualify for public assistance.\* Note: See policy in 201.5.B to evaluate continued eligibility.
  3. The recipient's whereabouts is unknown and agency mail directed to the payee has been returned by the post office indicating no known forwarding address. (The recipient's check must, however, be made available to him if his whereabouts become known during the payment period covered by a returned check.)\*
  4. A recipient has been accepted for assistance in a new jurisdiction within the state and the locality previously providing assistance has written evidence establishing that fact.\*
  5. The agency has written evidence that the TANF child(ren) has been removed from the home as a result of a judicial determination or has been voluntarily placed in foster care by his legal guardian.\*

\* 45 CFR 205.10(a)(4)(ii)

Applicants/recipients must be advised of changes not required to be reported that may increase benefits, such as loss of income and additional family members in the home.

c. Liability for failing to report changes.

d. Methods of Reporting

The Change Report (032-03-051) must be given, with an explanation of its use.

Changes may be reported by telephone, in person, or in writing.

e. The agency's responsibility to complete the application within **30 days following** the date of application or make indicated changes in amount of payment as necessary.

f. The applicant/recipient's right to appeal if action is not taken on his application or request for an increase within the required time period of if he is dissatisfied with the agency's action.

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- B. In Emergency Assistance to Needy Families with Children - The total payment which may be granted to a family under the Emergency Assistance program must not exceed **\$500.**

## 502.2 PERIOD COVERED BY PAYMENT -

- A. Payment covers need for the entire calendar month of eligibility (Section 401.1.I.), except when eligibility is determined in the same month in which an application for financial assistance is received or when an individual is added to an existing case. No payment may be issued, however, prior to the date of **application**. The effective date of payment is the date that initial eligibility for assistance or a change in amount of assistance begins.

No payment shall be made on an approved application for periods prior to the date of **application**. If **the beginning date of assistance is not the first of the month**, the benefit for that month must be prorated. This is accomplished by dividing the amount payable by 30 days, regardless of the total number of days in such month. This amount is then multiplied by the actual days in the month including and following the date of authorization. Additionally, when an individual is added to an existing case, the individual's portion of the grant must be prorated for the first month of eligibility with the beginning date of payment established in accordance with Section 401.2.B.2.c.

Example #1: A Group II locality receives a signed application from Ms. Doe on August 18. She requested assistance for herself and two (2) children and reports no income. The agency determined she is eligible to receive an assistance payment on August 24. **The beginning date of assistance for Ms. Doe is August 18.** The agency will compute her first month's payment based on the following information:

1. 14 days = number of days for which Ms. Doe is eligible to receive assistance in August.
2. \$320.00 - payment amount for full month's benefit.

The method of computation is as follows:

$\$320.00 \div 30 = \$10.67 \times 8 = \$149.38$   
\$149.00 grant (rounded down)

Example #2: A Group II locality receives an application on **August 5** requesting assistance for a mother and two (2) children. The family receives Social Security of \$88.50 each month. The agency determines eligibility on August 10. **The beginning date of assistance for Ms. Doe is August 5.** The first payment will be computed as follows:

$\$320.00 - \$88.50 = \$231.50$  full month deficit  
 $\$231.00 \div 30 = \$7.70$  daily rate  
 $\$7.70 \times 21 \text{ days} = \$161.70$  prorated deficit  
\$161.00 grant (rounded down)

4. An emergency payee in an existing case, when a situation, such as sudden death, desertion, imprisonment, or commitment to a mental hospital, unexpectedly deprives the child of the care of the grantee relative. Payment to an emergency payee is for a temporary period, limited to the time necessary to make and carry out plans for the child's continuing care and, in any event, not exceed three months.

B. Vendor Payment - The provider of goods and/or services.

#### 502.5 ISSUANCE OF PAYMENT

A. Issuance Date -

1. The Monthly Money Payment - **If the effective date is either the date of application or the first of the month following the month of application, benefits should be authorized at the time of approval. ADAPT will issue the payment 2 - 3 days later.** Subsequent ongoing monthly payments will be mailed on the first of the month to cover the needs for that month.
2. Supplemental Payment - A supplemental payment is defined as a payment given in addition to the pre-authorized assistance payment as a result of a change in circumstances which increases need for a specific month.  
  
Supplementary checks are to be issued immediately using an effective date of the first of the month for which the check is being written.
3. Vendor Payments are to be issued after the end of the month, upon receipt of a bill from the provider of goods or services. When protective vendor payments are made in TANF, under conditions specified in Section 502.7, it may be necessary in some instances to issue such payments at intervals during a month.
4. TANF Match Payments - TANF Match Payments are defined as current child support paid on behalf of a case, less \$50. The Match payments are issued in the second month following receipt and are issued with the TANF benefits as a single payment.



- B. Multiple Checks - Upon written request from the recipient, assistance payments may be issued semimonthly or at more frequent intervals, provided the total payment in a month does not exceed the budgetary deficiency for that month.
- C. Mailing of Checks - All checks, including the initial money payment, are to be mailed via the United States Postal Service, unless the recipient has a justifiable reason for calling in person at the office for the check or for asking that the check be delivered directly to him at his place of residence. Such reasons should be stated by the recipient in writing and his signed and dated written request should be filed in the case record. A receipt should be secured for any checks delivered personally in the office or in the home. Proper identification should be requested if there is any doubt as to the identity of the recipient.
- D. Emergency Payments - Emergency payments shall be issued by local boards in emergency situations or in the event of delay or error in a State issuance of checks for payments of assistance.\* The State agency is to reimburse the local board for such payments. In emergency situations which result from lost or stolen checks, the State Department shall assume liability for losses incurred by local boards due to fraudulent acts by recipients provided, however, the local agency referred the case to the Commonwealth Attorney and the decision to prosecute or not has been made by the Commonwealth Attorney. Emergency payments must be issued in these two situations:
1. In the event of lost or stolen checks, a replacement check must not be issued until after the fourth mail delivery. The State Department of Social Services and the local agency must ensure that no undue delays occur in issuing replacement checks. A replacement check must be issued upon receipt of notification that the stop payment process has been completed. This includes receipt of **three** notarized affidavits by the State Department of Social Services Fiscal Processing Unit. Refer to [Appendix I](#) to Chapter 500 for detailed check handling procedures. **The Affidavit on Check Endorsement (032-06-118) is available at <http://localagency.dss.state.va.us/divisions/bp/tanf/forms.cgi>.**
  2. Once the application has been approved for payment, an emergency payment will be issued to a client who is in dire need at the time of initial application.
  3. **When issuing a Full Employment Program (FEP) stipend or bonus payment, the replacement check must be a State-issued check. Do not issue a FEP replacement check from local funds, as no process exists to reimburse the locality.**

\* Code of Virginia, Section 63.2-323

## 502.6 INTRASTATE TRANSFERS -

A. Transferring the Case

When a recipient of TANF or TANF-UP moves from one locality to live in another within the state and there is no other change in his circumstances which would render him ineligible, he is entitled to receive assistance without a break. To assure the continuation of assistance without interruption, the following procedure must be used.

1. If the move is the result of the family seeking temporary shelter/housing in another locality within the State of Virginia and the family intends to return to the original locality, the original locality may, at its option, keep the case for up to two payment months. If the family has not returned to the original locality after the second payment has been issued, the case must be transferred in accordance with the procedures outlined below. In making a determination as to whether the original locality should keep the case, the agency should work with the unit and consider the distance of the move and any hardships that would be encountered by the unit in reporting changes, etc. and whether the unit is residing in a different locality grouping. If the case is retained by the original locality, the payment will be based on the payment level of the original locality.
2. If the move is permanent (i.e., the assistance unit does not intend to return to the original locality or if the agency determines that the case should be transferred during a temporary move), the locality from which the recipient has moved (the transferring locality) must, within five working days of notification, complete a desk review and forward the eligibility case record along with a Case Record Transfer Form (032-03-227) to the receiving locality if the case continues to be eligible. The case record must contain all verification and other documentation substantiating eligibility. The transferring locality must forward the entire case file to the receiving locality. If the transferring locality wishes to maintain a part, or all of the case file, they must copy the portion that they wish to keep, and forward all of the original case file contents to the receiving locality.

The eligibility case record must be sent by certified mail, or by a courier service which is under contract with the Department of Social Services, or delivered personally, to the receiving locality and a receipt must be obtained.

**Note:** If the transferring and receiving agency both use an electronic case record system, the transferring agency may send a compact disk of the case information if that is acceptable to the receiving agency.

If the receiving agency does not use an electronic case record system, the transferring agency must print the case information and send the documents to the receiving agency.

**B. Transferring Agency Responsibility**

The **transferring agency must complete a desk review** to assure the correctness of the next payment as the transferring locality is responsible for the accuracy of this payment. The desk review entails reflecting all changes known or reported prior to the recipient's move which affect eligibility or payment and any changes occurring as a result of the recipient's move. It also entails a review of the case to insure that any other follow-up or special reviews have been completed. If the case is overdue for review, the transferring locality does not have to complete a **renewal** prior to transferring the case.

**Local social services agencies may not transfer TANF cases in the following instances:**

- The case has a suspension status due to Interim Reporting.
- The case has a suspension status due to temporary ineligibility for any reason (one month).
- The case has a suspension status because net support is greater than the current TANF benefit.
- The TANF application is pending. The original agency must process the application. The agency must secure sufficient information to process the application unless the applicant elects to withdraw the application.

**Cases that have been sanctioned for non-compliance with a VIEW requirement must be transferred.**

**The transferring agency must send the recipient a Notice of Transfer providing notice that their case has been transferred and listing the name, address, and telephone number for the receiving agency.** If any changes **during the desk review** result in ineligibility or a decrease in the grant, procedures with respect to the Advance Notice of Proposed Action (032-03-018) are applicable.

The transferring locality will specify on the Case Record Transfer Form that the month following the month in which they send the form and case record to the new locality is the last month for which they will make payment. If the TANF case was receiving food stamps, the transferring locality **must note the impact of the transfer on the food stamp case on the Case Record Transfer form.** If the case is open to services, the transferring locality will immediately notify the service worker of the client's move and new address, and upon completion of the Case Record Transfer Form, will forward a copy to the service worker. Verification on changes which could not be made for the next payment, due to the advance notice requirements, will be included in the case record and will also be specifically noted on the Case Record Transfer Form under additional remarks. The receiving locality will take the necessary action to make the change(s) and send the Advance Notice of Proposed Action immediately.

Grant adjustments necessary to conform with the standard of assistance in effect in the locality to which the recipient has moved must be made effective for the month following the recipient's move. If the adjustment results in a decrease or termination of assistance, timely notice must be given to the client. It is the responsibility of the transferring locality to give timely notice. (See 502.6 B.2. for detailed instructions regarding transfers between Loudoun County and other agencies.)

**C. Receiving Agency Responsibility**

The receiving locality is responsible for completing a desk review **within 5 working days of receiving the case and acknowledging receipt to the transferring agency using the Case Record Transfer form.** The desk review must insure that there continues to be an eligible child in the home, inquiry about new employment with earnings greater than 130% of the federal poverty level, and if a VIEW participant inquiry about reportable changes for VIEW. The receiving agency must impact these changes, affecting eligibility or payment for the first of the month following the month in which the transferring locality specifies as the last month they will make payment. This is the payment month for which the receiving locality will assume responsibility for the accuracy of the payment. If the receiving locality will not be approving the case, or will be approving it in an amount less than the prior payment, they are responsible for sending the Advance Notice of Proposed Action to the client.

There are no circumstances under which it is permissible for the receiving locality to return the case to the transferring locality (other than the recipient subsequently moving back to the original locality).

**D. TRANSFER BETWEEN LOUDOUN COUNTY DSS AND OTHER LOCAL AGENCIES**

If the receiving locality will make the next payment following the client's move, changes reflecting either a decrease or increase, caused solely by Loudoun County DSS meeting the standard of need, and the other not, must be made.

If, however, the transferring locality is going to make the next payment the following rule applies:

1. If the receiving locality is Loudoun County, the transferring locality shall not increase the reimbursable amount since it does not have local funds available for this purpose.
2. If the transferring locality is Loudoun County, the payment must be adjusted in accordance with the payment policy of the receiving locality.

**E. HANDLING OF APPEALS**

1. If the desk review done by the transferring locality results in a determination of ineligibility, that locality will close the case. When the appeal is validated, the transferring locality will reinstate the grant in the original amount (if client remains in same group) or the amount appropriate to the locality in which the recipient is living. The case should then be transferred to the new locality advising them that there is an appeal in process. When the appeal decision is final, the transferring locality will immediately notify the new locality of the appeal decision so that the appropriate action can be taken. If the case continues to be eligible, the receiving locality will be responsible for recouping any overpayments, **by establishing the claim in ADAPT entering the FIPS code for the agency where the overpayment occurred. The FIPS for an agency other than the current FIPS can only be entered during the calculation of the overpayment on BAT185 (Benefit Adjustment 185% Income Test).** If the case is found to be ineligible, the transferring locality will be responsible for recovering any overpayments.
2. If the desk review done by the transferring locality results in a reduction of payment, and the client appeals the action, the appeal will be against the transferring locality, but the locality who is making the next payment will be responsible for restoring the grant to the correct level. The transfer procedure is to proceed as usual.

The Regional Hearings Officer will send the receiving locality a copy of the appeal validation and notify them as to the original amount of assistance which must be restored. If the case continues to be eligible, the receiving locality will be responsible for recouping any overpayments. If the case is found to be ineligible, the transferring locality will be responsible for recovering any overpayments.

3. If an appeal is filed due to a decrease resulting from adjustments in the standards of assistance, the hearing will be ALLOWED.

**F. MEDICAID COVERAGE**

To assure continued Medicaid coverage the transferring locality must immediately change the mailing address in the Medicaid computer as soon as the change is reported. The current city/county code is to be changed simultaneously with the forwarding of the case record and THE REQUEST FOR TRANSFER ACCEPTANCE to the receiving locality.

**G. SITUATIONS AFFECTING THE TRANSFER PROCESS**

1. Subsequent Moves During the Transfer Process - If the recipient moves to a third locality before the receiving locality can complete their redetermination, the redetermination does not have to be completed. The procedures outlined earlier in this section will be followed to effect this subsequent transfer.
2. Reapplications in Another Agency After Case Closings - If a former recipient of ADC reapplies in another locality, that locality may request the case record from the former locality. The former locality must comply with this request and forward the case record to the requesting locality within five working days of receipt of the request. The former locality should retain the financial and statistical forms.
3. Applicant Moving to Another Locality within the State - In the event an applicant moves to another locality, with the intent to remain there, prior to completion of the initial determination of eligibility, the agency **must process** the application. **If eligibility exists, the case must be transferred following policy under Transferring Agency Responsibilities (502.6.B.). If the application is denied, the agency will notify the applicant using the Notice of Action.**

Note: There are no provisions for interstate transfer of cases. If a recipient moves to another state, assistance must be terminated and timely notice sent advising the recipient of the case action.

503.5 - REPAYMENT PROCEDURES - The local department must notify the Division of Finance of the TANF/VIEW overpayment by entering the overpayment information into Application Benefit Delivery Automation Project (ADAPT).

If the overpayment was caused by agency error, it must be entered into both ADAPT and the Locality Automated System for Expenditure Reimbursement (LASER). The Division of Finance will deduct the amount from the next reimbursement made to the locality.

**When an overpayment is keyed in ADAPT, the FIPS entered must always represent the originating locality. The originating locality is the locality in which the overpayment occurred. An agency entering a claim in ADAPT, where the overpayment occurred in another agency must enter the originating FIPS on BAT185 (Benefit Adjustment 185% Income Test). This must be done before keying the overpayment information on BATAOC (Create Overpayment/Claim).**

503.6 - WAIVER OF CERTAIN OVERPAYMENTS - Federal regulations allow certain overpayments to individuals no longer receiving assistance to be waived (temporary delay).\*

- A. Overpayment Less than \$35 - All overpayments to individuals no longer receiving assistance which are less than \$35 are to be waived after the local agency has: 1) notified the individual, or attempted to notify the individual if his/her whereabouts are unknown, in writing, that an overpayment has occurred which must be repaid; and 2) the individual fails to respond or refuses to cooperate with the request for repayment. No further action to recover the overpayment is to be taken. The case record must be documented. (NOTE: The agency must allow at least 10 days from date of mailing for the individual to respond to the request for repayment prior to waiving recovery of the overpayment.)
- B. Overpayments of \$35, or More - In situations where the outstanding overpayment of TANF/VIEW to an individual no longer receiving assistance is \$35, or more, the local agency may waive collection of the overpayment after reasonable efforts to recover the overpayment have been taken and it is determined that further efforts would not be cost-effective. The agency must notify the individual that an overpayment has occurred, which must be repaid, by sending a letter requesting repayment to the individual's last known address. In order to demonstrate reasonable efforts, the agency must take the actions listed below. The actions must be taken in the following order; however, the agency may evaluate whether further efforts would be cost-effective after any one of the actions to collect the overpayment is unsuccessful.
  - 1. Attempt to locate the individual. If the individual's present whereabouts are unknown and attempts to locate the individual has been unsuccessful, the case record must contain documentation of attempts made to locate the individual, such as mail returned to the local agency;
  - 2. Determine that the former recipient has no means with which to repay the overpayment. The case record must contain documentation of evidence used by the agency to determine the individual has no income or cash reserves;

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\* 45 CFR 233.20(a)(13)(vi)

Assistance payments issued and payment reductions delayed as a result of the advance notice period are not overpayments. Refer to the examples below:

Example 1: On April 27, Mrs. Smith reports new employment. A prospective determination reveals that Mrs. Smith's May income is going to exceed need. Due to the advance notice period, the worker cannot close the case until June 1. The May payment is not an overpayment.

Example 2: On August 5, Ms. Carter reports her new job. Although the information is reported timely, the agency fails to take action to reflect the anticipated income for September. Since the reason the September payment was not reduced or terminated was because of the agency's failure to act and not the advance notice requirement, the September payment is an overpayment which must be recouped/recovered.

- C. Impact on Earned Income Disregards When Calculating Overpayments - When calculating overpayments which are the result of the customer's failure to timely report receipt of earned income, the earned income disregards are not to be allowed in the 185% **screening but are allowed in the** standard of assistance screenings, **and** in determining the amount of the correct payment.

The earned income disregards are applied in accordance with Sections 305.1.A and B., when calculating an overpayment resulting from:

- the agency's failure to act on a change in earned income which was reported timely,
- any action which cannot be taken due to the advance notice period, or
- payments issued pending an appeal decision.



- D. Support Related Overpayments - When an overpayment occurs which is the result of the client's failure to redirect support, the client's needs are not to be removed for purposes of calculating the overpayment.
- E. Income Related Overpayments - The local agency must determine the correct amount of the payment the assistance unit should have received for those months the assistance unit actually received an overpayment.\* Using conversion factors of 4.3 and 2.15, if appropriate based on Section 305.1.B.2.b, screen the income at 185% and at the standard of assistance to determine the monthly payment amount. In cases involving changes required to be reported or payments made pending an appeal decision, the local agency must determine the month that the overpayment initially occurred and all other months as follows:
1. If, due to a misunderstanding or inadvertent error on the part of the assistance unit, an assistance unit failed to report a change in its circumstances within 10 days of the date the change became known to the assistance unit, the first month of an overpayment will be the first month in which the change would have been effective had it been reported in a timely manner.  
  
In no event, however, may the local agency determine as the first month in which the change would have been effective any month later than two months from the month in which the change in income occurred.
  2. If the assistance unit reported a change within the prescribed time limits, but the local agency did not act on the change timely, the first month affected by the local agency's failure to act must be the first month the local agency should have made the change effective. Therefore, if an advance notice was required but was not sent, the local agency must assume that the maximum advance notice period as provided in Section 401.4.C would have expired without the assistance unit requesting a fair hearing.
  3. If prospectively ineligible, the full assistance payment is an overpayment.
  4. If the prospective determination renders the case eligible, calculate each month's overpayment and apply earnings disregards as indicated in Section 503.7.C., if applicable.
- F. Overpayments Not Related to Income - If an overpayment is the result of any factor other than income, the overpayment is to be based on the actual circumstances of the case each month.

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\* 45 CFR 233.20(a)(13)

4. Check Reported Lost/Stolen by Payee

a. The payee reports nonreceipt of a TANF check:

Responsible  
Party

Action

- LDSS
- The pay FIPS reflected on the Public Assistance Payment History (CHPAH1) is the LDSS responsible for the check, regardless of the present locality of residence. The locality will request the stop payment, issue the replacement check, and correspond with FPU for that check. **Note A FEP recipient check must be a State-issued check. If locally written, no reimbursement is available.**
  - Before initiating any action, the EW must look up the payment history to be sure a check was written and sent and to make sure that the check has not been cancelled, undelivered, re-issued, mutilated or stopped. If any of these appear, refer to the appropriate procedures.
  - To check the payment history, access Option 8 on the ADAPT Main Menu to bring up the Check Handling Menu (CHMENU). On CHMENU, access Option 1. This presents the Public Assistance Payment History (CHPAH1) screen where the status of the check is displayed. To view payment details, enter a "Y" beside the lost/stolen check and the PA Specific Payment History (CHSPHS) screen will display.

a. Obtain signed affidavits:

Responsible  
Party

Action

- LDSS
- If a check was issued, have the payee complete and sign **three** State affidavits (Form 032-06-118/3). Both the front and back of the affidavits must be completed. The affidavits must be notarized and stamped with the notary seal.
  - If the affidavits are incomplete, incorrect, or are photocopies, FPU will return them to the LDSS for correction. FPU will not make corrections to the forms. **All three** affidavits must be original copies with an original signature.
  - Note: The payee for the check is the only person allowed to sign the affidavits. If the payee and recipient are two different people, be sure the payee is signing the affidavits.

Responsible  
Party

Action

LDSS

- Send **two of** the affidavits to the FPU in a large envelope. The affidavits must not be folded. Send the affidavits via overnight pouch to:

Margretta Patterson  
VDSS Central Office  
Division of Finance  
Fiscal Processing Unit

- **File the third affidavit in the eligibility record.**

b. Enter stop payment request in ADAPT:

Responsible  
Party

Action

LDSS

- After the fourth mail delivery day from the check date (same as the mail date), if the payee still has not received the check and the check has not been reported by the FPU as undelivered, initiate action to stop payment.
- Note: If the payee reports that the check has been lost or stolen after receipt, the stop payment procedures still apply.
- The EW accesses the ADAPT Main Menu, selects Option 8, Check Handling Menu (CHMENU), then selects Option 2 on CHMENU to access the Public Assistance Payment History (CHPAH1) screen.
- On CHPAH1, place a "Y" in the field beside the TANF check for which the stop payment is appropriate. This brings up the Check Status Update (CHSTAT) screen.
- On CHSTAT, enter the appropriate stop payment code in the Status Update Reason Code field. Note: A supervisor must authorize this function.
- This information is sent to the FPU PA Check Actions Required Inquiry screen, notifying FPU of the stop payment request.
- Under no circumstances should an LDSS request a stop payment without having two completed affidavits with original signatures. An LDSS that requests a stop payment without first obtaining affidavits risks nonreimbursement of a locally issued replacement check.

## 602.5 HANDLING OF SUPPORT PAYMENTS COLLECTED BY THE STATE

State and federal regulations require that all support paid for or on behalf of a child or caretaker receiving TANF must be directed to the State as a refund toward public assistance paid on behalf of such children or caretaker.\*

Federal regulations require the Support Enforcement agency to notify the agency administering the TANF program, of the amount of support collected which represents payment on the required support obligation for each month. The notification requirements are accomplished **through the report, TANF Cases, Current Collected Support and Expected TMPs displayed monthly and accessed by local agencies on the VDSS Local Agency Intranet Page.** This report shows support collected on the required support obligation by the State in the prior month and is **available on line by the 15<sup>th</sup> of the month following the month** in which the support was collected. The local agency administering the **TANF** program is required, upon being informed of this amount, to determine if such payment is sufficient to make the family ineligible for an assistance payment.\*\*

Federal regulations also require an amount not to exceed the first \$50 of support collected, which represents a payment on a current support obligation, to be paid to the assistance unit and disregarded in determining need and the amount of an assistance payment. If such amounts collected are from two or more absent parents, only the first \$50 of total support collected will be paid to the assistance unit and disregarded. No disregard payment, shall be made, however, for a month in which there is no support collected.\*\*

**A. Notification to Local Agencies**

The **report, TANF Cases, Current Collected Support and Expected TMPs** displays **current** support payments **paid to DCSE** on the required support obligation from non-custodial parents for the month identified on the report. The **monthly TANF benefit** and the amount of the TANF Match Payment (total current monthly support, minus the disregard) will also display on the **report, TANF Cases, Current Collected Support and Expected TMPs.**

This report must be **accessed and** reviewed monthly. The amount of support shown on the report should be used **as outlined below:**

1. Compare the net support to the current monthly TANF amount.
2. If the net support does not exceed the monthly TANF amount no further action is needed on the TANF case.
3. If the net support is greater than the current monthly TANF amount suspend the TANF benefit by cutoff of the report month.
4. When the net support is greater than the current monthly TANF amount for two consecutive months, the TANF case must be closed by cutoff of the report month.

Redirected support paid to DCSE will not be screened at either 185% or the standard of assistance.

\* 45 CFR 302.32(a) and Section 63.2-1909, Code of Virginia

\*\* 45 CFR 233.20

Payments made to DCSE in a month which exceeds the grant amount will be marked by one or two asterisks. The number of asterisks denotes how many months net child support exceeded the monthly TANF grant amount. Two asterisks will display when net support exceeds the TANF benefit for two consecutive months. Cases marked with one asterisk must be suspended. Cases marked with two asterisks are ineligible for assistance.

Failure by the local agency to timely suspend the TANF case when net support exceeds the benefit amount will result in an overpayment to the recipient.

ADAPT will automatically close TANF cases marked with two asterisks. When net support has exceeded the TANF benefit for two consecutive months, ADAPT will close the case in the month that the two asterisks appear on the *TANF Cases, Current Collected Support, and Expected TMPs* report. The closure will take place during the TMP process in ADAPT. Notices will be generated and mailed along with the regular TMP notices.

Example #1: A TANF recipient in a Group II locality receives a monthly TANF payment of \$100 and social security benefits of \$128. The *TANF Cases, Current Collected Support, and Expected TMPs* report issued in October shows net support of \$150 collected in September. The local agency compares the net support of \$150 to the current monthly benefit amount (listed on the report). Net support exceeds the current TANF benefit amount. The worker suspends the TANF case effective October 31<sup>st</sup>, and sends the recipient an Advanced Notice of Proposed Action.

In November the *TANF Cases, Current Collected Support and Expected TMPs* report shows net support of \$150 with two asterisks. ADAPT has automatically closed the TANF case effective November 31<sup>st</sup>, generated a notice, and sent the notice to the local agency.

Example #2: DCSE begins collecting support on behalf of a 3-member TANF AU in September (Group II). The October *TANF Cases, Current Collected Support, and Expected TMPs* report shows net support of \$350. The local agency using this report in October compares the net support to the current TANF benefit amount. The net support exceeds the monthly benefit amount of \$320; the case must be suspended effective October 31<sup>st</sup>.

Should the net support listed on the *TANF Cases, Current Collected Support, and Expected TMPs* report for November exceed the monthly TANF benefit ADAPT will automatically close the case effective November 31<sup>st</sup>.

Example #3: The *TANF Cases, Current Collected Support, and Expected TMPs* generated in October shows net support of \$73 for a TANF recipient in a group I locality. The current TANF benefit amount displayed on the report is \$292. No action is required on the TANF case.

Support Enforcement will then, on all cases in which eligibility no longer exists, take action to redirect the support to the family in lieu of the public assistance payment.

Note: The **report, TANF Cases, Current Collected Support and Expected TMPs** and inquiry into the Automated Program to Enforce Child Support (APECS) through the Multiple System Inquiry (MSI) are the only acceptable means of verifying support amounts that have been redirected to and are collected by the Division of Child Support Enforcement. **One of these sources** must be used in determining continuing eligibility for public assistance.

Support reported by a client is to be verified at the time it is reported if it has not yet been re-directed to DCSE. Timely action is to be taken to close the case if the support causes ineligibility.

The only exception to using the **TANF Cases, Current Collected Support and Expected TMPs** report or APECS inquiry is direct communication with the **district DCSE representative. The DCSE representative should only be contacted when the recipient disagrees with the listed amount. The case record must be documented with the date, amount, and name of the DCSE representative.** However, the time frame for taking action remains the same. If the case is determined to be ineligible, **the case must be suspended before cutoff of the month in which the TANF Cases, Current Collected Support and Expected TMPs report** was received by the agency.

4. Determine the number of days of ineligibility by multiplying the number of days determined in Step 3 by 1.33. Round up to the next whole number. This number cannot exceed 160 days.
  5. Using the number of days determined in Step 4, determine the date that the period of ineligibility ends.
- B. If the applicant receives diversionary assistance, he cannot receive TANF until the period of ineligibility expires.
- C. An assistance unit can receive diversionary assistance only once in a sixty-month period.
- D. An assistance unit that is in a period of ineligibility for TANF due to the time limit on assistance is also ineligible for diversionary assistance.
- E. A child(ren) born to a client who is in a period of ineligibility for TANF due to receipt of a diversionary assistance payment is not eligible for TANF until the period of ineligibility expires.

#### 801.7 ELIGIBILITY DETERMINATION PERIOD

Local social services agencies must determine eligibility for diversionary assistance within five working days of the receipt of the final verification that substantiates eligibility, or within **30 days following** the date of receipt of the signed application, whichever occurs first.

#### 801.8 VENDOR PAYMENTS

Diversionary assistance payments must be made in the form of a vendor payment. If the worker cannot issue a vendor payment due to systems limitations, then a payment may be made to the recipient.

- N. Upon notification from the VIEW worker indicating that the VIEW participant is being placed in a Full Employment Program (FEP) placement, suspend the TANF payment per 901.14. The eligibility worker must conduct a prospective determination of eligibility in the last month of the FEP placement.

901.4 RESPONSIBILITIES OF THE VIEW WORKER - The VIEW worker must:

- A. Have the recipient sign the Agreement of Personal Responsibility.

Note: Explain IPV (Intentional Program Violation) reporting requirements and penalties to the participant. Have the client sign the Notice of Intentional Program Violation Penalties. This form may be located on the local agency DSS Intranet site ([www.localagency.dss.state.va.us](http://www.localagency.dss.state.va.us)). Give a copy to the client and place a copy in the VIEW record. See Section 102.\*

- B. Enter the date that the Agreement of Personal Responsibility is signed in ESPAS on the VIEW assessment record.

NOTE: This trigger will start the participation counter in VACIS that tracks the 24 months of TANF eligibility.

- C. Advise the eligibility worker of the non-exempt recipient's refusal to sign the Agreement of Personal Responsibility, if applicable.
- D. Determine in which component(s) an individual must participate and whether he complies.

The VIEW Program consists of the following components listed in priority order:

1. Unsubsidized private sector employment - full, part-time, or temporary;
  2. Subsidized full-time employment (Full Employment Program);
  3. Community work experience - jobs selected to provide the recipient with skills and serve a useful public purpose.
- E. Report to the eligibility worker, within five working days, any changes which financially impact the recipient, which have occurred in the VIEW activities of the TANF or TANF-UP recipient such as securing of employment or entering the Full Employment Program.
- F. Advise the eligibility worker that a case is to be sanctioned and the appropriate sanction period.
- G. Advise the eligibility worker when participation begins again so the eligibility worker knows when to remove the sanction.
- H. **Notify the eligibility worker of changes associated with FEP participation that require action. Changes may include initiation of a FEP stipend, issuance of a supplemental payment to the participant, issuance of a replacement check to the employer, or evaluation of continuing eligibility upon termination of the placement. Notification is sent using the FEP Communication Form (032-03-655). The form is available online and may be sent by email. The online version can be accessed on the intranet at <http://www.localagency.dss.state.va.us/divisions/bp/tanf/forms.cgi>.**

\* 2002 Acts of Assembly, Item 362



## 901.5 PARTICIPATION AND COOPERATION REQUIREMENTS

A. Agreement of Personal Responsibility - As a condition of eligibility, all non-exempt individuals must sign a written Agreement of Personal Responsibility. A new Agreement must be signed at the initial VIEW assessment and upon re-referral following a reapplication or a period in which the individual is exempt. An individual is considered a VIEW participant when the Agreement of Personal Responsibility has been signed. The agreement will, at a minimum, explain the 24-month time limit and that it is the participant's responsibility:

1. To seek employment to support his own family.

VIEW participants do not have earned income screened at 185% and the standard of assistance. They may receive the standard deduction **from gross income and 20% of the remainder \***, and child or adult care costs as disregards.

To calculate the VIEW payment (TANF grant), the eligibility worker must follow the steps in Appendix 1 to this chapter. The TANF Match Payment is not considered in calculating the VIEW payment.

See Chapter 900, Appendix 1 for the VIEW Grant Calculation, Appendix 2, for VIEW Income Examples, and Appendix 3 for the Federal Poverty Level table.

A TANF recipient who enters the VIEW program erroneously, i.e., the recipient did not report earnings that he received or expected to receive prior to entering VIEW that would have made the case ineligible for assistance using the 185% and standard of assistance income screenings, must have continuing eligibility determined by using 185% and standard of assistance screenings (see Section 305.1.A.) If the case does not pass the 185% and standard of assistance screenings, the case must be closed as soon as administratively possible. If the case is eligible at the standard of assistance screening, the VIEW grant calculation is appropriate for the month following the month in which the earnings were reported to the agency. Overpayments should be calculated per 503.7.

Note: For a case that contains an individual who is a VIEW participant, the VIEW grant calculation applies to the total countable earnings of all required assistance unit members.

901.8 VEHICLE VALUE LIMIT - Repealed effective December 1, 2003.

901.13 TRANSITIONAL BENEFITS - When a VIEW case closes, the family may be eligible for Medicaid and up to one year of child care, transportation, and employment and training.\* Receipt of Medicaid during the VIEW 12-month transitional period does not affect calculation of the 24-month period of ineligibility. Eligibility criteria for transitional benefits are found in:

- A. Medicaid Manual Volume XIII, Section M0320.306 (Low Income Families with Children (LIFC)) and M1520.500 (Extensions of Medicaid Coverage), for Medicaid;
- B. Child Care policy manual for transitional child care;
- C. TANF Manual, Chapter 1000, for transitional transportation and transitional employment and training.

901.14 FULL EMPLOYMENT PROGRAM - The Full Employment Program (FEP) is a subsidized, training-oriented employment **activity for VIEW participants who have been unable to find a job on their own. FEP uses government funds to directly subsidize wages paid by the employer. Wages are paid through the regular employee payroll based upon hours worked in lieu of TANF benefits. A monthly stipend is issued to the employer for the duration of the FEP placement.**

The FEP placement and stipend periods are a fixed six-month period. The placement begins the month FEP employment begins and ends on the last day of the sixth month, e.g., placement begins June 10 and continues through November 30, and the corresponding stipend period begins on July 1 and ends on December 1. The begin date of placement cannot be a date within the last 11 days of the placement month.

A parent or other caretaker-relative may participate in FEP. Only one person in a case can be in FEP at any time. No member of a case serving a VIEW sanction can participate in FEP unless the minimum sanction period has elapsed.

- A. **TANF PAYMENT DIVERTED TO EMPLOYER** - When notified by the VIEW worker of the FEP placement, the eligibility worker must **take action in ADAPT to enroll the individual as a FEP participant and divert monthly payments to the employer. The EW must send an Advance Notice of Proposed Action (032-03-018) informing the recipient that the TANF payment will be suspended. Note:** Suspension in the context of FEP participation means that no monthly payment will be issued to the FEP participant while in the placement. It does not mean that action to suspend the payment should be taken in ADAPT, as this would prevent issuance of the monthly stipend to the employer.

The recipient is enrolled in FEP by completing the VIEW Full Employment Program (AEVFEP) and Case Information 2 (AECAS2) screens in ADAPT. The AEVFEP screen must be completed first. In order for the stipend to be issued to the employer, AECAS2 must be completed using a payee type of FP.

If the Eligibility worker receives notification of a FEP placement during the 10 day notice period, the ADAPT system should not be updated until the first of the following month. It will be necessary to issue the initial employer stipend out of Benefit Adjustment. The EW must act on the reported change within 10 days.

Example: On May 23 the Eligibility Worker receives the FEP Communication Form from the VIEW Worker indicating a FEP Placement began on May 18. The Eligibility Worker should wait until June 1 to enter the information into the ADAPT system. A TANF payment will be made to the client for June. This is not an overpayment since the Eligibility Worker was not able to provide timely notice. The initial employer stipend for the month of May should be issued out of TANF Benefit Adjustment at the beginning of June. The June employer stipend, will be issued through the monthly batch process and will be received by the employer the beginning of July.

- B. TANF ELIGIBILITY DURING FEP PLACEMENT - A participant remains eligible for TANF for the duration of the FEP placement, with two exceptions: 1) no eligible children remain in the home and 2) a VIEW sanction is imposed on the FEP case.

Eligibility continues during FEP participation even though changes reported would otherwise cause the case to be ineligible, e.g., a parent with income in excess of 130 percent of the federal poverty level.

1. During placement in FEP employment, the recipient must continue to report required changes (Section 401.2.B.2.), and the changes must be entered in ADAPT. Although the information entered does not affect eligibility of the TANF case, the changes must be evaluated in accordance with Food Stamp and Medicaid requirements and may impact the assistance unit's eligibility for Food Stamps or Medicaid.
2. If a redetermination is due anytime during the FEP placement and the case is receiving TANF and Food Stamps, the redetermination must be completed when due. Changes in the participant's circumstances will not affect TANF eligibility during the FEP placement, except as noted in paragraph B above.
3. If the case is TANF only, the eligibility worker may postpone the redetermination until the last month of the FEP placement, since a full evaluation of eligibility must be completed at that time. In determining ongoing eligibility following termination of the FEP placement, the EW must take into account any changes that have occurred during the placement. If the FEP participant is retained by the employer following termination of the placement, wages received are evaluated the same as for unsubsidized employment.

4. If the FEP participant meets the criteria for interim reporting during the FEP placement, an Interim Report will be sent. However, no negative action can be taken if the Interim Report is not returned and/or completed. ADAPT keeps FEP cases active so as not to interrupt issuance of the stipend to the employer.
- C. ISSUANCE OF STIPEND PAYMENTS TO THE EMPLOYER - The employer stipend is a monthly payment paid as partial reimbursement of expenses incurred by the employer for wages and training provided to the FEP participant. The stipend is a predetermined, fixed amount of \$300 monthly. Stipends are normally issued on the first of each month through the monthly batch process. However, the first stipend must be issued through Benefit Adjustment when ADAPT cannot be updated because of the 10-day timely notice period.
- Stipends are paid beginning the month after the participant enters a FEP placement. FEP stipends are issued for six consecutive months, unless notified by the VIEW worker to discontinue the payments. In no instance are stipends to be paid for more than six months.
- D. ISSUANCE OF TANF PAYMENTS DURING THE FEP PLACEMENT - A supplemental payment to the recipient may be issued in the following situations:
1. The EW is notified by the ESW that the participant worked less than an average of 20 hours per week, with good cause. Good cause means that the failure to work was outside the control of the FEP participant, such as, but not limited to, loss of child care, transportation, illness of the FEP participant or a family member, or another emergency situation. The number of hours worked and good cause are determined by the VIEW worker. If the ESW determines good cause does not exist, no supplement is to be issued.
- The EW will issue a supplemental payment through Benefit Adjustment using gross earnings information provided by the ESW and other countable income received in the month for which the supplement is issued. The amount of the payment is determined using the VIEW calculation. Use ADAPT Option 11 to create the payment. If an overpayment or penalty is in effect, the payment to the FEP participant must be reduced accordingly.
2. Both a TANF payment and monthly FEP stipend must be issued in the final month of the FEP period.
- E. ISSUANCE OF EMPLOYER BONUS - The VIEW worker will notify the eligibility worker on the Full Employment Program Communication Form (032-03-655) when a bonus payment must be issued. The bonus payment is a predetermined, fixed amount of \$500 payable to the employer. A bonus is paid if the participant is hired permanently at any time during the six-month placement period or within 30 calendar days after the placement has ended. The EW will issue the bonus payment through Benefit Adjustment. Only one bonus payment may be issued per VIEW participant per FEP placement.

The bonus cannot be issued in the same month a stipend has been issued. For example, if the final stipend payment is issued in October, the bonus payment cannot be issued until November.

- F. TREATMENT OF CHILD SUPPORT PAYMENTS - FEP participants must continue to redirect all support to the Division of Child Support Enforcement (DCSE) while in a FEP placement. DCSE will issue to FEP participants all child support payments they would otherwise be entitled to receive. This includes \$50 disregard payments, and other support payments they would receive if they were receiving a TANF payment.
- G. TANF MATCH PAYMENTS - TANF Match Payments will continue to be issued based on current support paid to DCSE.
- H. REPLACEMENT OF STIPEND OR BONUS CHECKS - The FEP employer will contact the ESW if check replacement is necessary, and the ESW will notify the EW using the Full Employment Program Communication Form (032-03-655). If a stipend is reported as lost, stolen, or mutilated, follow procedures in Section 502.5.D and Appendix I to Chapter 500 to stop payment.

The employer must complete the required three copies of the Affidavit on Check Endorsement. The employer will determine the appropriate person to complete and sign the affidavit. This is usually an employee in the accounting department with responsibility for endorsing checks received. If the employer endorses his checks with a stamp, the endorsement stamp should be stamped once on the signature section at the end of the affidavit.

ADAPT coding applicable to FEP check replacements is the same as for reissuing or replacing TANF or Diversionary Assistance checks. Once the worker is notified of a lost/stolen/mutilated/returned check, the worker must update the status of the check in Check Handling. If the check was cancelled or mutilated, the replacement check must be issued through TANF Benefit Adjustment. If a Stop Payment is placed against the check, the stipend must be reissued through Check Handling. Under no circumstances should a local check be written to replace the original check.

VIEW GRANT CALCULATION

STEP 1: Determine the total gross earned income of all required assistance unit members. Compare the total gross earned income to the Federal Poverty Level (see Federal Poverty Level Chart found in [Appendix 3](#) of this Chapter) for the appropriate AU size. The federal poverty level is to be applied uniformly in all of the three groupings of localities in Virginia.

If the gross countable earned income equals or exceeds the federal poverty level, the case is ineligible.

If the countable gross earned income is less than the federal poverty level, go to STEP 2.

STEP 2: Determine countable unearned income and compare to the standard of assistance for the AU. TANF Match Payments received are not considered countable income. If the countable unearned income equals or exceeds the standard of assistance, the case is ineligible.

If the countable unearned income is less than the standard of assistance, the difference is the deficit amount. Go to STEP 3.

STEP 3: Use the gross earned income total of all required assistance unit members.

In the following order:

- a. Deduct the standard deduction\* as defined in Section [305.3.B.3](#) per **assistance unit** from total gross earned income if the **assistance unit** qualifies for this deduction and the income is not exempted.
- b. Deduct **20% of the remainder.\***
- c. Deduct anticipated expenses, up to the allowable maximum as specified in Section 305.3.B.5 for care of each child or incapacitated adult included in the assistance unit if the member qualifies for this disregard.

\* 22 VAC 40-295-60

STEP 4: Add the total net countable earned income and the TANF deficit from STEP 2. The net countable earned income plus the TANF deficit shall not exceed the federal poverty level. If necessary, reduce the TANF payment so that the total of the net earned income plus the TANF payment equals the federal poverty level.

If the TANF payment calculates to \$9.99 or less, the assistance unit will be ineligible for a money payment; but the case will be deemed to be eligible for TANF (VIEW) and will be carried as an active TANF case.

#### TANF-UP GRANT CALCULATION

STEP 1: Determine the total gross earned income of all required assistance unit members. Compare the total gross earned income to 150% of the Federal Poverty Level (see [Appendix 3](#) of this Chapter) for the appropriate AU size. One-hundred fifty percent of the federal poverty level is to be applied uniformly in all of the three groupings of localities in Virginia.

If the gross countable earned income equals or exceeds 150% of the federal poverty level, the case is ineligible.

If the countable gross earned income is less than 150% of the federal poverty level, go to STEP 2.

STEP 2: Determine countable unearned income and compare to the standard of assistance for the AU. If the countable unearned income equals or exceeds the standard of assistance, the case is ineligible.

If the countable unearned income is less than the standard of assistance, the difference is the deficit amount. Go to STEP 3.

STEP 3: Use the gross earned income total of all required assistance unit members.

In the following order:

- a. Deduct the standard deduction as defined in Section [305.3.B.3](#) **for the assistance unit** from total gross earned income if the **assistance unit** qualifies for this deduction and the income is not exempted.
- b. Deduct **20%** of the remainder\*.
- c. Deduct anticipated expenses, up to the allowable maximum as specified in Section 305.3.B.5 for care of each child or incapacitated adult included in the assistance unit if the member qualifies for this disregard.

\* 22 VAC 40-295-60



STEP 4: Add the total net countable earned income and the TANF-UP deficit from STEP 2. The net countable earned income plus the TANF-UP deficit shall not exceed 150% of the federal poverty level. If necessary, reduce the TANF-UP payment so that the total of the net earned income plus the TANF-UP payment equals 150% of the federal poverty level.

If the TANF-UP payment calculates to \$9.99 or less, the assistance unit will be ineligible for a money payment; but the case will be deemed to be eligible for TANF-UP (VIEW) and will be carried as an active TANF-UP case.

VIEW GRANT CALCULATION

Example 1 - Earnings

Assistance unit of 2 in a Group II locality. Mom receives a TANF Match Payment of \$135 and earns \$450 gross monthly. The monthly Federal Poverty Level for an assistance unit of 2 is \$1,041.

Step (1) - Screening at Federal Poverty Level

\$ 450.00 Gross Monthly Earnings <  
\$1,041.00 Monthly Federal Poverty Level for 2

Step (2) - Unearned Income

\$254.00 Standard of Assistance for 2  
- 0 Unearned Income  
\$254.00 TANF Deficit

The TANF Match Payment does not impact the TANF deficit.

Step (3) - Earned Income Disregards

\$450.00 Gross Monthly Earnings  
-134.00 Standard Deduction  
**\$316.00** x 20% = **63.20**  
- 63.20  
**\$252.80** Net Earned Income

Step (5) - Add Net Earned Income and TANF Deficit

**\$253.00** Net Earned Income  
+254.00 TANF Deficit  
**\$506.80** < Federal Poverty Level

\$254.00 = VIEW Payment (TANF Grant)

Example 2 - Earned and Unearned Income

Assistance unit of 2 in a Group II locality. Mom earns \$300 gross monthly and the assistance unit also received \$120 unearned income monthly.

Step (1) - Screening at Federal Poverty Level

\$ 300.00 Gross Monthly Earnings <  
\$1,041.00 Month Federal Poverty Level for 2

Step (2) - Unearned Income

\$254.00 Standard of Assistance for 2  
-120.00 Unearned Income  
 \$134.00 TANF Deficit

Step (3) - Earned Income Disregards

\$300.00 Gross Monthly Earnings  
-134.00 Standard Deduction  
 \$166.00 x 20% = 33.20  
- 33.20  
 \$132.80 **Net Earned Income**

Step (4) - Add Net Earned Income and TANF Deficit

\$132.80 Net Earned Income  
+134.00 TANF Deficit  
 \$266.80 < Federal Poverty Level

\$134.00 = VIEW Payment (TANF Grant)

#### Example 3 - Earnings Result in Ineligibility

Assistance unit of 2 in a Group III locality. Mom earns \$1050 monthly gross **income**. The monthly Federal Poverty Level for an assistance unit of 2 is \$1,041.

Step (1) - Screening at Federal Poverty Level

\$1,050.00 Gross Monthly Earnings >  
 \$1,041.00 Monthly Federal Poverty Level for 2

Ineligible.

#### Example 4 - Deficit must be reduced in order not to exceed the Federal Poverty Level when added to net earned income

Assistance unit of 2 in a Group III locality. Mom earns **\$1040.00** gross monthly. The monthly Federal Poverty Level for an assistance unit of 2 is \$1,041.

Step (1) - Screening at Federal Poverty Level

**\$1,040.00** Gross Monthly Earnings <  
 \$1,041.00 Monthly Federal Poverty Level for 2

Step (2) - Unearned Income

\$323.00 Standard of Assistance for 2  
- 0 Unearned Income  
 \$323.00 TANF Deficit

Step (3) - Earned Income Disregards

<b>\$1040.00</b>	Gross Monthly Earnings
<b>- 134.00</b>	Standard Deduction
<b>\$ 906.00</b>	<b>x 20% =181.20</b>
<b>- 181.20</b>	
<b>\$ 724.80</b>	<b>Net Earned Income</b>

Step (4) - Add Earned Income and TANF Deficit

<b>\$724.80</b>	Net Earned Income
<b>+323.00</b>	TANF Deficit
<b>\$1047.80</b>	> Federal Poverty Level

Reduce TANF Deficit:

\$1041.00	Federal Poverty Level
<b>-724.80</b>	Net Earned Income
<b>\$316.20</b>	<b>VIEW Deficit</b>

**\$316.00 = VIEW Payment**

Example 5 - Maximum Reimbursable

Assistance unit of 6 in a Group I locality. Mom earns \$450 gross monthly income. The monthly Federal Poverty Level for an assistance unit of 6 is \$2,101.00.

- Step (1) - Screening at Federal Poverty Level
- \$ 450.00 Gross Monthly Earnings <  
\$2,101.00 Monthly Federal Poverty Level for 6
- Step (2) - Unearned Income
- \$470.00 Standard of Assistance for 6  
- 0 Unearned Income  
\$470.00 TANF Deficit
- \$443.00 Maximum Reimbursable Amount
- Step (3) - Earned Income Disregards
- \$450.00 Gross Monthly Earnings  
-171.00 Standard Work Deduction  
\$279.00 x 20% = 55.80  
- 55.80  
\$223.20 Net Earned Income
- Step (4) - Add Net Earned Income and TANF Deficit
- \$223.20 Net Earned Income  
+443.00 Maximum Reimbursable TANF Deficit  
\$666.20 < Federal Poverty Level
- \$443.00 = VIEW Payment (TANF Grant)

Example 6 - Earned Income Case with Immunization  
Penalty

Assistance unit of 2 in a Group III locality. Mom earns \$960 gross monthly income. One member of the AU receives \$60 SSA monthly. The monthly Federal Poverty Level for an assistance unit of 2 is \$1041. There is a \$50 immunization penalty.

- Step (1) - Screening at Federal Poverty Level
- \$ 960.00 Gross Monthly Earnings <  
\$1041.00 Monthly Federal Poverty Level for 2

Step (2)        -        Unearned Income

                 \$323.00    Standard of Assistance for 2

- 60.00    Unearned Income

                 \$263.00    TANF Deficit

Step (3)        -        Earned Income Disregards

                 \$960.00    Gross Monthly Earnings

-134.00    **Standard Deduction**

                 \$826.00    **x 20% =165.20**

Step (4)        -        **Deduct 20% from \$826.00**

                 \$826.00

-165.20

                 \$660.80    **Net Earned Income**

Step (5)               Add Net Earned Income and TANF Deficit

                 \$660.80    Net Earned Income

+263.00    TANF Deficit

                 \$923.80    < Federal Poverty Level

Reduce TANF Deficit:

                 \$1041.00    Federal Poverty Level

- 924.00    Net Earned Income

                 \$ 117.20    VIEW Payment (TANF Grant)

Step (6)        -        Apply Immunization Penalty

                 \$117.20    VIEW Payment

- 50.00    Immunization Penalty

                 \$ 67.20    Net VIEW **Deficit**

\$ 67.00 = VIEW Payment (TANF Grant)

Example 6 - TANF-UP Household

Assistance unit of 4 in a group II locality. Dad earns \$1500 gross **income**. One-hundred fifty percent of the monthly federal poverty level for an assistance unit of 4 is \$2,357.

Step (1)                      Screening at 150% of the Federal Poverty Level  
\$1500.00      Gross Monthly Earnings <  
\$2357.00      150% of the Federal Poverty Level

Step (2)                      Unearned Income  
\$ 382.00      Standard of Assistance for 4  
\$   0.00      Unearned Income  
\$ 382.00      TANF Deficit

Step (3)                      Earned Income Disregards  
\$1500.00      Gross Monthly Earnings  
- 134.00      Standard Deduction  
\$1366.00      **x 20% = \$273.20**  
-273.20  
\$1092.80      **Net Earned Income**

Step (4)                      Add Net Earned and TANF Deficit  
**\$1092.80**  
+ 382.00  
**\$1474.80** < 150% of the Federal Poverty Level

\$ 382 = VIEW Payment (TANF Grant)

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Earned Income Tax Credit – earned income tax credits received as advance payments or refunds from federal taxes due.

ESW - Employment Services Worker, may be a local DSS worker or anyone who meets the definition of case manager. In some agencies it may be a worker who is responsible for the administering of VIEW and benefit programs.

EW - Eligibility Worker.

Exempt – status of a TANF or TANF-UP applicant or recipient who meets one of the Virginia Initiative for Employment not Welfare ( VIEW ) program exemption criteria and, therefore, is not required to participate in VIEW in order to be eligible for public assistance.

Full Employment Program (FEP) - subsidized, training oriented employment, **that replaces TANF benefits with wages paid by an employer.** This employment is designed to train the recipient for a specific job, increase his self-sufficiency and improve his competitiveness in the labor market.

Full-time unsubsidized employment - employment which is considered by the employer to be full-time, but in no case less than 30 hours per week and for which no government funds are used to subsidize the individual's salary.

Good Cause – a circumstance when a VIEW participant was unable to comply with program requirements due to circumstances beyond his control. This is determined by an evaluation done by the worker responsible for the VIEW program.

Grant - the monthly TANF benefit payment.

Hardship exception - prescribed reasons which, if applicable, would allow an extension of receipt of TANF benefits.

Job development - locating job openings which fit the needs and qualifications of participants. Job development may also involve job creation through the provision of employer tax credits and subsidies for on-the-job training.

Job Finding – the identification of available and appropriate jobs.

Job follow-up – the process of tracking wages and hours of employment monthly and providing case management services to assist with job retention and upgrading.

Job matching - matching a participant's skills and/or prior work experience to available job openings.

Job placement - placing a participant in a unsubsidized or subsidized job. Job placement is the result of job finding and job matching.

Job Search - a structured time limited period in which the participant is required to search for and obtain employment. In order to complete the job search, the participant is required to search, find and apply for a set number of jobs.

Satisfactory participation – attending all the hours assigned to an activity during the month. In the instance of job search, the completion of all required job search contacts.

Self-Initiated - a participant who has enrolled in post-secondary or skills training activities prior to enrollment into the VIEW program.

Standard Operating Procedures (SOP) – guide by which each locality administers the VIEW program specific to their program design.

Support services - services such as child care and transportation provided to program participants to enable the participant to work or to receive training or education which are intended to lead to employment.

Termination – closure of the TANF case for failure by a mandatory VIEW recipient to sign the APR.

Temporary Assistance for Needy Families (TANF) - the cash assistance program for families with children in Virginia, which is based on Title IV-A of the Social Security Act, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

Time limitations - a specified period of time enacted by state and federal statute in which to receive TANF

Transitional support services - child care, transportation, employment and training and Medicaid provided to a VIEW participant whose TANF case has been closed.

Unsubsidized employment - employment in which no government funds are used to subsidize the wages earned by a participant.

Virginia Independence Program - welfare reform initiatives implemented in 1995, including VIEW, which is part of TANF.

Virginia Initiative for Employment Not Welfare or "VIEW" – the Commonwealth's employment services program for TANF recipients who are required to participate. It was implemented in 1995 as part of the Virginia Independence program (VIP) to assist participants in attaining self-sufficiency

Vocational Education – certificate/associate degree programs or skills training offered in a public school setting with a specific employment goal

Work Activity - participation in unsubsidized employment, FEP, on-the-job training, or community work experience for at least the minimum federally required hours per week.

- c) Local departments must work with public and private providers of job development/job placement services, such as VEC, **Workforce Investment Act (WIA)**, and the Department of Economic Development to facilitate job development and job placement.
- d) Participants who are not employed 30 hours or more at the time the Agreement of Personal Responsibility is signed must be placed into a 30-day job search. However, in the case of previous VIEW participants, the ESW may waive the up-front job search requirement and place the individual into a work activity.
- e) A participant must accept a bona fide offer of employment. Participants who refuse to accept a bona fide offer of employment will be sanctioned.
- f) A participant who has not found full-time employment 60 days prior to the end of his 24-month TANF time limitation must be placed in a job search component in conjunction with a work activity. This assignment will continue until the participant leaves TANF at the end of the two-year time period.
- g) The up-front job search for a participant already enrolled in an education or training program may be waived if:
  - (1) the participant has been enrolled in the education and training (self-initiated) for at least one grading period; and
  - (2) the participant is satisfactorily enrolled and is meeting all requirements of the activity as defined in this chapter at Section 7., e, Post Secondary Education; and
  - (3) the education and training is related to a specific employment and/or occupation; and
  - (4) the participant must be able to complete the education or training within one year (12 months).
- h) The up-front job search for a participant may be waived if the ESW determines the participant would benefit from immediate job skills training and is placed in a vocational education program. The participant must meet the eligibility criteria as defined in G, 2, page 45, of this section.

NOTE: When there is a refugee resettlement agency in the locality available to work with refugees, all work requirements for refugees required to participate in VIEW should be coordinated with that agency (or designated service provider). The resettlement agency, while maintaining communication with the local agency, must take the lead in assisting the refugee in the pursuit of self-sufficiency. The local agency case record must contain a Comprehensive Resettlement Plan (CRP) developed by the resettlement agency. Contracts between the Office of Newcomers Service and Refugee Resettlement Service Providers mandate these services.

It must be noted that this exception does not remove the requirement for a participant to be in a work activity between the 90<sup>th</sup> and 95<sup>th</sup> day from assignment to the queue. It does allow the ESW more flexibility to modify the job search requirement in order for the participant to find employment which will meet the work requirement and at the same time support the education or training program

- c) The ESW is to give the participant 60 days to establish the business. The hours spent establishing the business will count as unsubsidized employment. If the client states it will take less than 30 hours a week to establish the business, the participant must be placed in a second component. The ESW will do a monthly follow-up to see how the participant is progressing. The job follow-up can include, but is not limited, to requests for copies of receipts for items purchased to assist in starting the business or appointment books. The participant has to show earnings by the 61<sup>st</sup> day. If the participant is unable to show earnings, the ESW is to assign the participant to a work activity other than self-employment.

4) Job follow-up Retention and Upgrading

A) Job follow-up

The ESW should provide case management and services to a participant who becomes employed to assess job proficiencies and deficiencies, the need for additional skills and address potential problems with job retention.

1. Job follow-up is required for VIEW participants who become employed. A job follow-up is required monthly to track the participant's wages and hours of employment. Participants who obtain part-time employment are expected to continue active participation in the VIEW program. Monthly job follow-ups are also required for part-time employment. The purpose of the follow-up is to determine if the participant is still employed and to assist in resolving any problems the participant may be having on the job.

2. There are three possible outcomes to a job follow-up contact:
  - a) The participant is employed;
  - b) The participant has left employment;
  - c) The ESW is unable to contact the participant or the participant does not respond to job follow-up contact.
3. A minimum of six monthly follow-up contacts must be made on all VIEW cases with employment. Job follow-up may be for up to 24 months, if the participant is employed throughout his VIEW participation. If a TANF case is closed before the six follow-ups are completed, the VIEW case must remain open to complete the six required contacts.
4. Job follow-up information is reported in the automated system as well as on the contact sheet for all outcomes.
5. As part of the job follow-up, the worker must verify on a monthly basis the employment hours. To receive credit for job entry hours the agency must verify that the individual remained employed at the scheduled work hours. Verification may consist of an ADAPT payment history inquiry, confirmation by the benefits worker, paystubs, wage forms, client statements or if necessary, the employer. Local agencies may determine which methods of verification will be used by workers. The ESW may contact the employer whenever a participant has left a job to determine why the participant left employment.

#### B. Retention and Upgrading

1. Local agencies are encouraged to meet face-to-face for the first three job follow-up contacts with participants who are employed. The purpose of the meeting is to verify continued employment and assist the participant with any problems on the job. At these meetings, the ESW will assess to determine the following:
  - a. Any problems on the job which may result in the participant quitting or being fired from the job;
  - b. The participant's ability to cope with potential problems on the job;
  - c. What skills are needed to keep the job or promotion;
  - d. What better jobs may be available.
2. As part of the case management services the ESW may provide the following:
  - a. Job retention counseling;
  - b. Career exploration for better jobs;

- c. Referrals for additional training, education or CWEP;
  - d. Resources for additional job search or job leads;
  - e. Referrals for job coaching or mentoring;
  - f. Work related workshops or seminars.
- C. Reassessments must be conducted on all employed VIEW participants still open to TANF. For full-time employment, the reassessment must be conducted at least every six months. To record full-time employment in the automated system, the participant will be placed in "Pending-employed" for six months.
- D. Participants who are part-time employed will be assigned to a concurrent activity. For part-time employment, the reassessment will take place when the other component activity ends, or every six months, whichever occurs first. The ESW, in conjunction with the participant, will develop an Activity and Service Plan to address problem areas, or assist in obtaining a better paying job or promotion.
- 2) Subsidized Employment

Subsidized employment is employment in which government funds are used to directly subsidize the participant's wages. Subsidized employment is designed to provide training while the participant works on the job.

A. Full Employment Program (FEP)

- (1) The Full Employment Program is a component in which a participant is placed in a **public or private sector job** and is paid **an hourly wage** for the work done. The Department of Social Services **will pay** the employer **a predetermined, fixed stipend of \$300 per month**. TANF benefits are **not paid to the participant during the time the employer is receiving a stipend except when the participant has not worked his scheduled hours for reasons beyond his control**.
- (2) The goal of FEP is for the employer to **retain** the participant at the completion of the training period. The placement should provide the participant the opportunity to **gain work experience, develop job skills and work social skills. To increase the likelihood that the participant will be hired on a permanent basis for the job and to promote further FEP placements with the employer, the worker should make every effort necessary to insure that the participant's skills, abilities, and interests are a good match for the job description for the placement.**
- (3) **VIEW participants who have been unsuccessful in obtaining unsubsidized employment by the 90<sup>th</sup> day after the referral to VIEW will be screened for placement with a FEP employer. Participants who are referred to VIEW and have accrued months on the current AECLOC (24-month VIEW participation clock) may be immediately placed in FEP.**

- (4) If the ESW **does not have a suitable FEP or on-the-job training placement available**, the participant will be immediately screened for **placement in a suitable community work experience site**.

**Suitable is defined as follows:**

- (a) **The worker has evaluated a good match between the participant's skills, abilities, and interests and the position description;**
- (b) **The employer agrees to provide needed training to do the job; and**
- (c) **The net monthly wages (take home pay) estimated by the employer exceed the amount of monthly TANF benefits the participant was last paid. The ESW can obtain the most recent TANF payment amount by accessing the participant's TANF payment history in ADAPT or by contacting the EW.**

**B. Criteria for the FEP Participant**

- (1) The participant must be able to perform the **minimum requirements for entry into the job and be** capable of performing the duties of the job with the provision of training by the employer **at the end of the placement**.
- (2) The supportive services needed by the participant can be provided.
- (3) The participant **may participate in FEP more than one time but must not have** been previously sanctioned while assigned to a FEP placement.
- (4) A participant cannot **enter** a FEP placement if he is in the process of being referred for a sanction, or **if the case** is currently under sanction, unless the minimum period for that sanction has elapsed.
- (5) **More than one participant may be screened and referred to an employer for an interview for the FEP positions.**
  - (a) **The ESW should complete the VIEW Referral to Work Site form (032-02-300) to be given to each referred participant to take to the job interview.**
  - (b) **After the employer indicates his selection on the participant's VIEW Referral to Work Site form (032-02-300) and signs the Full Employment Agreement (032-02-309) for the participant's placement, the participant is to be assigned to the FEP position on the Activity and Service Plan (032-02-302) and in ESPAS.**
  - (c) **The ESW will complete the Full Employment Program Communication Form (032-03-655) and forward it to the EW as notification of a FEP placement. This form is available on the intranet at <http://www.localagency.dss.state.va.us/divisions/bp/tanf/forms.cgi> and can be completed online and emailed to the EW. The eligibility worker is responsible for updating ADAPT to pay the employer's stipend in place of the TANF grant as indicated on the FEP Communication Form (032-02-655) from the ESW.**



- (6) If a participant does not attend the employer interview, the ESW **must contact the participant to determine if good cause for the missed interview exists. The VIEW Notice of Sanction/Termination (032-02-307) can be used for the purpose of contacting the participant. If the participant does not respond and/or good cause does not exist, the ESW will notify the EW, in writing, to send an Advance Notice of Proposed Action (032-03-018) to sanction the participant.**
- (7) Only one person in a TANF household can be in FEP at any time.
- (8) If a participant transfers to another locality, the FEP Agreement will be terminated.

C. Criteria for the FEP Employer

- (1) **FEP placements may be established in public or private sector employment.**
- (2) The employer must offer **employment of not less than 20 hours per week** at minimum wage or greater. **The position offered must meet the definition of a suitable placement, the amount of TANF assistance.** Wages paid to FEP participants must be the same rate as paid to other employees who perform the same work and who have similar experience and tenure.
- (3) The employer must pay Virginia Unemployment Insurance tax for its employees. **FEP participants may qualify for unemployment benefits if not retained as a permanent employee. Eligibility for such benefits must be determined by the Virginia Employment Commission on an individual case basis. Former FEP participants not hired permanently should be encouraged to apply.**
- (4) The employer must offer a position in conformity with section 3304 (a) (5) of the federal Unemployment Tax Act which requires the following:
  - (a) The job offered cannot be available as a result of a strike or labor dispute;
  - (b) The job cannot require the employee to join, nor prohibit the employee from joining, a labor organization;
  - (c) The FEP participant cannot be used to displace regular workers.
- (5) The employer must agree to pay the participant through his payroll system. The employer agrees to pay his share of the premiums for Social Security contributions, unemployment insurance, and worker's compensation related to the participant's wages.
- (6) The employer must **sign a VIEW Full Employment Agreement (032-02-309) for each participant he employs in a FEP placement. The Full Employment Agreement includes:**
  - (a) **The amount of the employer stipend;**
  - (b) **The skills and equipment operations the participant will learn;**
  - (c) **The hourly wage, number of hours per week the participant is expected to work, and estimated net monthly wages.**

TRANSMITTAL

- (d) The duration of the placement and the conditions under which it will end;
- (e) Conditions under which the employer must repay FEP reimbursements;
- (f) Provisions regarding termination of the FEP Agreement; and
- (g) Responsibility of the employer to report when a FEP participant works less than an average of 20 hours per week. If the agreement is not in effect for a full calendar month, the participant must have worked an average of at least 20 hours per week for the number of full weeks the FEP agreement was in effect during the month.

**Example 1** – A participant begins employment on the July 13. Since the agreement is in effect for less than a full month, the ESW will determine the average number of hours worked by dividing the total number of hours worked by the number of full weeks (2). If the participant worked 48 hours during the period from July 13 -31, the average number of hours worked per week is 24 ( $48/2=24$ ).

**Example 2** – A participant is employed for a full month. The employer reports that the participant worked for a total of 84 hours during the month. The average number of hours worked per week during the month was 21 ( $84/4=21$ ).

- (6) The employer must **also** agree to the following:
  - (a) Provide on-the-job training to the degree necessary for participants to perform the duties of the job;
  - (b) Provide sick leave, holiday, and vacation benefits to participants to the same extent provided to other employees performing the same work and having similar experience and tenure;
  - (c) Maintain healthy, safe working conditions at or above levels generally acceptable in the industry and no less than those in which other employees perform the same work;
  - (d) Agree not to discriminate against any person, including program participants, on the basis of race, color, sex, national origin, religion, age, or disability.
- (7) In addition to completing the VIEW Full Employment Agreement, the ESW will require the employer to fill out the Request for Taxpayer Identification Number and Certification Form (IRS Form W-9). **File the completed form in the case record.**

## D. Payments to the Employer

The employer stipend is a reimbursement for participation in FEP. The stipend is issued for each month of FEP participation.

### (1) Two types of payments are made to an employer.

- (a) **Stipend** - The employer stipend is a predetermined, fixed amount of \$300 paid monthly. Stipends are paid beginning the month after the participant enters a FEP placement. FEP stipends are issued for six consecutive months, unless notified by the VIEW worker to discontinue the payments. In no instance are stipends to be paid for more than six months.

The ESW is responsible for notifying the eligibility worker within five working days of making a FEP placement. Upon receipt of notification from the ESW that the participant has entered a FEP placement, the eligibility worker will complete the required ADAPT screens to stop the participant's TANF payments and start the employer's stipend payments. The employer's stipend will be mailed on or about the first day of each month.

Using the Full Employment Program Communication Form (032-03-655), the ESW must notify the EW when a FEP placement is made and when changes occur during the placement including the need to issue a supplemental TANF payment, issue a replacement check to the employer, terminate the FEP placement, or reinstate TANF benefits upon completion of the placement.

- (b) **Bonus** - The bonus is a predetermined, fixed amount of \$500 paid to the employer:

- (1) If the participant is hired on a permanent basis at any time during the six-month placement period, or

- (2) Within 30 calendar days after the placement has ended.

### (2) Limitations on Payments to the Employer

- (a) No employer will be paid a **stipend** unless the local department of social services has a signed and completed VIEW Full Employment Agreement.
- (b) The employer will receive a **stipend** only when the participant was paid for at least 20 hours per week or an average of at least 20 hours for the number of full weeks the agreement was in effect during that month. The EW must be notified within five days that the 20 hour minimum was not met and whether a supplemental payment should be issued to the FEP participant.
- (c) The employer may receive one bonus payment per VIEW participant.
- (d) A bonus payment cannot be issued in the same month as a monthly stipend. For example, if the last stipend payment is issued in October, the bonus will be issued in November.

**E. FEP Participation**

- (1) The ESW will track participation by conducting a FEP follow-up by the fifth day of each month for the previous month. This is to be accomplished by contact with the employer to verify that the participant is satisfactorily continuing in the placement and is meeting the minimum requirements for the job, including working at least 20 hours per week or an average of at least 20 hours during a month. The ESW should also discuss any concerns the employer may have regarding the participant's performance or attendance. Hours of participation will be verified by the employer's statement. In any case, monthly contact with the employer should be part of the follow-up process to insure that the employer's needs are being met, to maintain rapport with the employer, and to insure the likelihood of future FEP placements.**

**The employer contact may be written or verbal. In either case, the ESW must obtain the information requested on the Attendance/Performance Rating Sheet (032-03-305). If the information is to be obtained in writing, the ESW may provide the employer with a six-month supply of the form at the time the FEP Agreement is signed. If the contact is verbal, the ESW should record the information obtained on the Attendance/Performance Rating Sheet.**

If the employer recommends the termination of the Full Employment placement, the ESW will document the reasons in the contact log for the recommendation, determine if there are grounds for sanctioning the participant, and, if grounds exist for sanctioning, send the participant a VIEW Notice of Sanction/Termination.

If grounds for sanctioning do not exist, the ESW will reassign the participant to another work activity.

- (2) ADAPT will automatically issue the stipend through month six unless cancelled by the EW. If the ESW determines that the employer was not entitled to the stipend received for the prior month, the ESW will inform the employer of his responsibility to return the check. The employer is ineligible for a stipend for any month in which the FEP participant did not work an average of at least 20 hours per week during the month. The stipend or, if the check has been cashed, a check issued by the employer should be sent to the Virginia Department of Social Services, Division of Financial Management, P. O. Box 10209, Richmond, VA 23240-0209. If a check from the employer is used to repay the stipend the employer should reference the participant and the case number on the check. If the employer does not return the check, the local department of social services may pursue civil action through their city or county attorney's office.**
- (3) The participant may work additional hours beyond the number listed on the VIEW Full Employment Agreement (032-02-309). Overtime hours can be required by the employer, but only to the extent that they are required of other employees with similar positions and experience.**

\* 45 CFR 261.70 (a) (1) (2)(b)

- (4) Whenever possible, FEP placements should begin at the first of the month. This will allow the FEP participant to receive maximum wages to prepare financially for the suspension of TANF benefits during the FEP placement. Under no circumstances can a placement begin during the last 11 days of the month. At a minimum, the participant must have worked at least one full week for at least 20 hours for the employer to qualify for a stipend.**

For example, a participant's placement begins on April 19. The employer may qualify for a stipend for each placement month (April through September). Stipends are paid on or about the first day of the month following the month of participation, e.g., May through October in this example. If the participant does not work at least one full week for a minimum of 20 hours, the employer will not receive a stipend for participation in April.

#### **F. FEP Employer Outreach**

- (1) VIEW case managers should work through existing employer networks (workforce investment boards, chambers of commerce, faith-based organizations, local business organizations, etc.) in order to locate employers who are interested in accepting a FEP placement. The ESW will schedule an interview with any employer who expresses an interest.**
- (2) The ESW will explain FEP to the employer and the advantages of entering into a FEP agreement. In addition to the reimbursement to the employer, the ESW should discuss Work Opportunity Tax Credits, the supportive services VIEW offers to help the participant be successful on the job, and the case management services in place to support the participant's efforts.**
- (3) The employer should complete a Work Site Position form (032-02-306). The information obtained from this form will be used to screen participants for the FEP position(s).**
- (4) If a regular employee at the FEP place of business feels that he/she has been displaced and the situation cannot be handled satisfactorily through the employer's grievance process, the Virginia Department of Social Services will act as a mediator. The employer should be informed that the form can also be obtained at the local social services agency employment services department. Once the form is completed, it is to be given to the local agency's employment services department. The employment services department will send the form and all pertinent information to Virginia Department of Social Services, 7 North Eighth Street, TANF Unit, Richmond, Virginia 23219-3301.**
- (5) The employer should agree to contact the ESW as soon as a FEP placement position is available.**

### G. FEP Assignment

- (1) Once the agreement is signed, the ESW will meet with the participant to develop a new **VIEW/TWA/Transitional** Activity and Service Plan **(032-02-302)** and to arrange needed supportive services. At a minimum, the Plan must include:
  - (a) Name and phone number of the FEP supervisor;
  - (b) Place of employment;
  - (c) Days and hours of work, and hourly pay the participant will receive;
  - (d) Notice that the participant must call the FEP **placement** supervisor and the ESW if the participant will be absent from work;
  - (f) **An explanation that the participant's monthly TANF benefits will be stopped for the duration of the placement, except when the participant was unable to complete the scheduled hours for a reason beyond his control, and that wages received from the FEP employer will be counted in Food Stamps.**
  - (g) Notice that the participant has the right to appeal **the suspension** of the participant's TANF benefits; and
- (2) The ESW will explain the benefits of the Advance Earned Income Tax Credit to the participant.
- (3) **The ESW should assist each participant in applying with the employer to receive a monthly Advance Earned Income Tax Credit payment.**

### H. Supplemental Payments to the FEP Participant

A supplemental payment issued to the participant if he works less than an average of 20 hours per week, with good cause. Good cause includes circumstances beyond the participant's control, such as but not limited to, loss of child care, transportation, illness of the FEP participant or a family member, or another emergency situation. Good cause is determined by the ESW.

**The supplemental payment to the participant will be calculated in ADAPT based upon gross earnings received in the month being supplemented.**

### 3. Community Work Experience

#### A. Purpose

Community work experience (CWEP) is a placement in which a participant works for his benefits in a public or private non-profit agency in order to improve his skills and serve a public function. The purpose of CWEP is to help prepare participants to obtain unsubsidized employment. A participant who is assigned to CWEP for more than three months should participate in a concurrent job search.

#### B. Eligibility Criteria

A participant who is unable to obtain unsubsidized employment, subsidized employment, or another work activity will be placed into a six month community work experience position.

#### C. Calculation of Work hours

The number of weekly work hours will be calculated in the following manner:

- (1) **Combine the total TANF dollar amount with the food stamp amount received and divide by the federal minimum wage. The result equals the required monthly hours to participate in CWEP.** Divide the result by 4.3 to determine the required hours per week for CWEP participation. Include in the calculation only the benefits belonging to the TANF household. Food stamps received by individuals in the household who are not included in the TANF grant will not be counted in the calculation. For TANF-UP cases, the entire benefit amount, combined total dollar amount of TANF and food stamp benefits, available in a CWEP calculation will be used for each participant. If both mandatory TANF-UP participants are placed in CWEP, they both will be required to participate the required number of calculated hours. For example, if the calculation requires 25 hours of participation, each individual will be in CWEP for 25 hours a week, for a total household participation of 50 hours per week.
- (2) No participant will be required to work more than 32 hours a week.
- (3) The calculation of the hours to be worked weekly will be made every six months by the ESW and when there is a change in the assistance unit.

**K. PENDING**

1. Pending is a status assigned to participants who cannot move immediately into a component, but who are anticipated to enter a component within two months. The months in which a participant is assigned to pending will count towards the participant's two-year time period.
2. Participants in Pending must have their Activity and Service Plans reviewed at least every two months.
3. Participants will be placed in Pending for the following reasons:
  - a. To await the outcome of a re-evaluation request to the EW.
  - b. Because of a delay in the commencement of a planned activity.
  - c. Because day care, transportation or supportive services are unavailable, but are expected to become available within 30 days.
8. Targeted Employer Grant **(Repealed effective July 1, 2004)**



**PAGES 50 – 51 INTENTIONALLY LEFT BLANK**

## 9. REASSESSMENT

- A. Reassessment provides the ESW and the participant the opportunity to review the participant's progress in the VIEW program and address any problems which may present an obstacle to full-time employment.
- 1) Reassessment after the initial job search
    - a) At the completion of the initial job search assignment, the ESW will reassess the participant.
    - b) The ESW must conduct an individual, face-to-face reassessment interview and complete a new Activity and Service Plan for signature.
    - c) If the participant has not found unsubsidized employment by the 91<sup>st</sup> day after the queue assignment, he will be assigned to the Full Employment Program (FEP) or other subsidized employment, on the job training provided by an employer, or community work experience (CWEP).
  - 2) The reassessment will identify the reason the participant was unable to obtain full-time unsubsidized employment and the ESW will assist the participant in resolving the identified barriers. If an appropriate site is available, the participant should be placed in FEP.
  - 3) If the ESW cannot place the participant into a FEP position or an on the job training position provided by an employer, he will assign the participant to CWEP for at least six months. If the participant obtains full-time unsubsidized employment during the CWEP placement, participation at the CWEP site will no longer be required. If part-time employment is found, the required CWEP hours may be reduced accordingly.
- A. Reassessment procedures
- 1) The ESW will conduct a reassessment whenever the participant leaves or completes an assignment. The scheduling of reassessment appointments should be done prior to the end of

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COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES  
TANF PROGRAM

Participant: \_\_\_\_\_  
Case ID#: \_\_\_\_\_  
Date: \_\_\_\_\_  
# Months Accrued on VIEW Clock: \_\_\_\_\_

☐ VIEW ☐ TWA ☐ Transitional

## VIEW/TWA/TRANSITIONAL ACTIVITY AND SERVICE PLAN

PLANNED COMPONENT ASSIGNMENT	Planned Begin Date	Planned End Date	Planned Weekly Hrs/Pay
Currently employed full-time	_____	_____	_____
Currently employed part-time	_____	_____	_____
Job Search	_____	_____	_____
Job Readiness	_____	_____	_____
Job Development/Job Placement	_____	_____	_____
Full Employment Program	_____	_____	_____
On-The-Job-Training	_____	_____	_____
Community Work Experience	_____	_____	_____
Education	_____	_____	_____
Job Skills Training	_____	_____	_____
Other Work Activity	_____	_____	_____

### CURRENT PROGRAM ACTIVITY ASSIGNMENT

Program Activity Assignment	Description/ Location	Planned Begin Date	Planned End Date	Planned Weekly Hrs/Pay
_____	_____	_____	_____	_____
	_____			
_____	_____	_____	_____	_____
	_____			

☐ Pending ☐ Inactive

List reasons for assignment to Pending or Inactive and the steps necessary to resolve problem

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## SUPPORTIVE SERVICES

☐ Day Care

☐ Transportation

☐ Other (please describe)

## PARTICIPANT RESPONSIBILITIES FOR CURRENT COMPONENT ASSIGNMENT(S)

## AGENCY RESPONSIBILITIES

## PARTICIPANT OBLIGATIONS

I understand that I am responsible for keeping the agency informed of my progress and needs. I agree to call the worker/case manager whose name is listed at the bottom of this page if I have a problem that makes it impossible to keep an appointment or if I wish to discuss or change an activity. I agree to continue in my current activity until I have discussed any problem I may have with my worker/case manager.

I understand that if I fail to participate without a good reason my TANF benefits/support services will be stopped, and my Food Stamp benefits may be affected.

### ☐ FOR PARTICIPANTS ASSIGNED TO COMPONENTS

I will carry out the responsibilities as agreed.

### ☐ FOR PARTICIPANTS ASSIGNED TO THE FULL EMPLOYMENT (FEP) PROGRAM

I understand that I will not receive monthly TANF benefits while I am employed in a FEP placement. However, I may receive a supplemental TANF payment if I am unable to work at least 20 hours per week during the month because of circumstances beyond my control, such as but not limited to, loss of child care, transportation, or illness.

### ☐ FOR PARTICIPANTS ASSIGNED TO PENDING (Applicable to VIEW only)

I understand that I am not actively participating at this time, but the months assigned to this component will count toward my two year time period. I also understand that I must answer all calls and letters from agency staff since I may be required to participate in the future.

### ☐ FOR PARTICIPANTS ASSIGNED TO INACTIVE (Applicable to VIEW only)

I understand that I will not actively participate at this time. I also understand that I must answer all calls and letters from agency staff since I may be required to participate in the future.

### ☐ EXCHANGE OF INFORMATION CONSENT (ALL PARTICIPANTS)

I understand that my worker may contact employers, service agencies, and others to assist me in connection with my work activities. By signing this form, I give permission to my Employment Services Worker to share information from my case record when necessary to provide or coordinate services on my behalf.

PARTICIPANT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

CASE MANAGER'S SIGNATURE \_\_\_\_\_ PHONE \_\_\_\_\_

## **VIEW/TWA/Transitional Activity and Service Plan**

FORM NUMBER: 032-02-302/4

PURPOSE OF FORM - This form outlines a strategy designed by the worker/case manager and the VIEW participant to achieve long and short term goals in working toward employment as decided upon during the initial assessment and recorded on the Assessment Form (032-02-303). It details specific activities to which the participant will be assigned and identifies any service needs during assignments to these activities.

USE OF FORM - This form is prepared initially at the VIEW assessment and at the time of each reassessment. It is also to be used for person's assigned to Transitional Employment and Training (TET) and TANF Work Activities (TWA). Activities on this form will correspond to entries in the automated system. A copy of this form may serve as the Service Application.

NUMBER OF COPIES - One original and two copies

DISPOSITION OF COPIES - Original - Case Record  
1st copy - VIEW Participant  
2nd copy - Service Worker

### INSTRUCTIONS FOR PREPARING THE FORM

PLANNED COMPONENTS ASSIGNMENTS - This section is designed to list the components to which the VIEW, TET or TWA participant will be assigned during the course of program participation. This information in its entirety needs to be completed at the initial assessment and at each reassessment.

CURRENT PROGRAM ACTIVITY ASSIGNMENT - This space is provided for the worker/case manager to list the current component assignment(s) along with planned location, dates, and hours/pay. The information on this list will correspond with information at the top of the form and information in Employment Services Automated System (ESPAS). Any assignment to pending or inactive needs to be explained in the space provided.

SUPPORTIVE SERVICES - Any services needed by the VIEW participant to engage in the program activities listed will be identified in this section of the Activity and Service Plan.

PARTICIPANT RESPONSIBILITIES - Outline the specific steps the VIEW participant is required to take in order to comply with program requirements. The amount of detail needed in this section will be determined by the worker/case manager on a case by case basis. **If a participant is placed in FEP, the ESW should include the participant's responsibility to call the FEP placement supervisor (include name and phone number) and the ESW if he will be absent from work.**

AGENCY RESPONSIBILITIES - Outline the responsibilities the agency will assume to assist the participant in carrying out the activities identified.

PARTICIPANT OBLIGATIONS - By signing this section of the form, the VIEW participant indicates they have participated in the planning for activities described, and they understand their responsibilities as a VIEW program participant.

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COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES  
VIEW PROGRAM

### VIEW FULL EMPLOYMENT PROGRAM (FEP) AGREEMENT

The goal of FEP is to match Virginia Initiative for Employment not Welfare (VIEW) participants with employers who will provide a period of subsidized training, developing work experience, job skills, and work social skills. At the conclusion of the training period it is hoped that the employer will hire the participant as a permanent employee.

This is an agreement for the benefit of \_\_\_\_\_, \_\_\_\_\_ and is between  
VIEW Participant Case Number  
\_\_\_\_\_ and \_\_\_\_\_.  
Agency Employer Name

This agreement is a statement of understanding between the local agency and the employer regarding the training of the participant, listed above.

The employer will hire the participant as a(n) \_\_\_\_\_ at \$ \_\_\_\_\_ an hour  
Position  
for \_\_\_\_\_ hours a week. Estimated net monthly wages are \_\_\_\_\_. This training-oriented employment  
will not exceed six months, beginning on \_\_\_\_\_ and ending on \_\_\_\_\_.  
MM/DD/YY MM/DD/YY

During this training period, the participant will receive job training necessary to perform the duties of the job to include the following knowledge, skills, and abilities:

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#### **Department of Social Services Responsibility:**

- Explain all policies and procedures relative to the FEP program to designated employer staff.
- Make every effort to insure the Virginia Initiative for Employment not Welfare (VIEW) participant's skills, abilities, and interests are a good match for the placement.
- Pay to the employer during the training period a fixed stipend of \$300 each month as reimbursement for the participant's training for the months in which the participant worked an average of 20 hours a week.
- Issue a bonus of \$500 to the employer if the VIEW participant is hired on a permanent basis during FEP participation or within 30 days following termination of the placement.
- Terminate this agreement with written notice, within (5) working days prior to cancellation, for any reason, including but not limited to, if termination is in the interest of the program, if the employer has failed to provide any of the services specified, or if the employer has failed to comply with any of the provisions contained in this agreement.

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**Employer Responsibility:**

The employer agrees to:

- Begin placements on or about the first of the month, but under no circumstances during the last 11 days of the month.
- Provide no fewer than 20 work hours per week for the participant at a rate of pay not less than the current Federal Minimum Wage.
- Maintain time, attendance, and payroll records for the participant as a basis for payment and reporting the local agency.
- Provide sick leave, holiday and vacation benefits to the same extent provided to other employees performing the same work and having similar experience and tenure.
- Maintain healthy, safe working conditions at or above levels generally acceptable in the industry and no less than those in which other employees perform the same work.
- Pay to the participant wages comparable to wages paid to other employees doing similar work and working similar hours.
- Provide to the participant the same benefits, worker's compensation coverage, and considerations afforded other employees doing similar work and working similar hours.
- Not displace any other worker in order to enter into this agreement.
- Not discriminate against any person, including program participants, on the basis of race, color, sex, national origin, religion, age, or disability.
- Not assign the participant to political, electoral, or partisan activities.
- Notify the Case Manager immediately if the participant fails to carry out the requirements of the job, is having employment-related problems, quits, or is terminated.
- Report to the Case Manager by the 5<sup>th</sup> calendar day of the following month when the participant's hours average less than 20 hours per week.
- Return the stipend for a month in which the participant did not work an average of 20 hours a week for the weeks the FEP Agreement was in effect during the month. Include as a note on your check: FEP and the participant's name.

Virginia Department of Social Services  
Division of Financial Management  
P. O. Box 10209  
Richmond, VA 23240-0209

Either party can terminate this agreement by giving written notice five working days prior to the cancellation. Termination can be for any reason, such as but not limited to: it is in the best interest of the program or the participant; the employer fails to provide the services specified or to comply with any of the provisions of this agreement; the participant fails to fulfill the requirements of the job; the agency fails to comply with the provisions of this agreement.

I have read, understand, and agree to the provisions of this agreement.

\_\_\_\_\_, Company Name

\_\_\_\_\_, Employer Telephone #: \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_, Case Manager Telephone #: \_\_\_\_\_ Date \_\_\_\_\_



## FULL EMPLOYMENT AGREEMENT (FEP)

### FORM NUMBER 032-02-309/2

**PURPOSE OF FORM** – This form provides the required documentation of the terms of the agreement between the agency and the employer for the benefit of the participant.

**USE OF THE FORM** – This form is used to ensure understanding between the agency and the employer regarding the responsibilities of each. The form states the stipend amount to the employer and conditions for termination of the placement.

**NUMBER OF COPIES** – Original and two copies

DISTRIBUTION OF COPIES –	Original	– VIEW Worker
	1 <sup>st</sup> Copy	– Employer
	2 <sup>nd</sup> Copy	– Participant
	3 <sup>rd</sup> Copy	- Eligibility Worker

### INSTRUCTIONS FOR PREPARATION OF FORM

After discussion with the employer regarding Full Employment and the FEP placement, this agreement will be completed indicating that the parties have an understanding of their individual responsibilities and agree to them.

Information contained in this agreement should be clearly defined on the participant's **VIEW/TWA/Transitional** Activity and Service Plan that corresponds to this assignment.

There must be a signed agreement for each VIEW participant assigned to a FEP placement.

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COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES  
VIEW PROGRAM

### Full Employment Program Communication Form

<b>Full Employment Program Placement Participant Information</b>				Today's Date:	
<b>First Name:</b>		<b>Last Name:</b>			
<b>ADAPT Number:</b>		<b>Legacy Number:</b>			
<b>Employer Name:</b>					
<b>Employer Address:</b>					
<b>City:</b>		<b>State:</b>		<b>Zip Code:</b>	
<b>Placement began:</b>		<b># of hours</b>	per		
<b>EW Name:</b>		<b>EW email:</b>			

#### Action Needed

- ☐ Please set up the Full Employment Program placement in ADAPT on the VIEW Full Employment Program screen (AEVFEP). The stipend must be issued for six consecutive months unless notified to discontinue the stipend.
- ☐ Please issue a monthly stipend of \$300 to the employer beginning \_\_\_\_\_ in accordance with Advance Notice requirements.
- ☐ Issue a replacement stipend to the employer for the month of \_\_\_\_\_. Reason for replacement: \_\_\_\_\_

#### Supplemental Payments

The VIEW participant listed above may be entitled to a TANF supplement for the month of \_\_\_\_\_. During the month of \_\_\_\_\_, the participant worked less than 20 hours a week in the FEP placement.

**Good Cause Exists:** ☐ Yes ☐ No -- Do not issue a supplement.

Participant is paid: ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly

**Total Gross Earned Income for** \_\_\_\_\_ Month **is \$** \_\_\_\_\_

#### Termination of FEP Placement

**The FEP Placement has ended because:**

--

- ☐ Please issue the final \$300 employer stipend for \_\_\_\_\_ Month, the last month in which the VIEW participant worked an average of at least 20 hours per week.

☐ **Employer has hired the VIEW participant. Please issue the \$500 bonus to the employer.**

- ☐ Reinstate the TANF benefit if the participant's unit continues to be eligible.  
**VIEW participant is employed** \_\_\_\_\_ **hours per week at \$** \_\_\_\_\_ **an hour.**  
Paid: ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly

#### Other Information

--

\_\_\_\_\_  
Name (VIEW Worker)  
032-03-655 (7/04)

\_\_\_\_\_  
Date (MM/DD/YY)  
TANF Transmittal 25

### **Full Employment Program (FEP) Communication Form**

FORM NUMBER - 032-03-655

PURPOSE OF FORM – This form is to be used by the VIEW Case Manager to communicate changes in participant status and employer payments for Full Employment Program placements.

USE OF THE FORM – The FEP Communication Form is completed by the VIEW Case Manager to communicate initial placement and subsequent changes to the Eligibility Worker in the participant's status in the Full Employment Program.

NUMBER OF COPIES – Original and one copy

DISTRIBUTION OF FORM – Original sent to Eligibility Worker  
Copy kept in VIEW Record

OPTIONAL DISTRIBUTION – The FEP Communication Form may be prepared electronically and emailed to the Eligibility Worker.

INSTRUCTIONS FOR PREPARATION OF FORM – Information on the form provides identifying information about the participant. The form is to be completed when the participant is placed in a FEP position to inform the Eligibility Worker of the FEP placement and subsequent changes. The form will show the employer's name and address and the first month the employer's stipend is to be issued through Benefit Adjustment in ADAPT.

Note: Workers are encouraged to print the FEP Communication form on yellow paper to make it easily recognizable.

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COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES

Participant's Name: \_\_\_\_\_  
Case Manager's Name: \_\_\_\_\_  
Case Manager's Phone #: \_\_\_\_\_

### VIEW ATTENDANCE/PERFORMANCE RATING SHEET

Work Site Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone #: \_\_\_\_\_  
Supervisor: \_\_\_\_\_ Additional Contact: \_\_\_\_\_

Performance Evaluation (Rating Guide: 0=Poor, 1=Fair, 2=Good, 3=Very Good, 4=Excellent)			
Knowledge of Assignment	_____	Safety Habits	_____
Punctuality	_____	Quality of Work	_____
Attitude	_____	Initiative	_____
Cooperation	_____	Grooming	_____
Works Well with Others	_____	Accepts Supervision	_____
		Overall Performance	_____
LIST SKILLS PARTICIPANT HAS MASTERED _____			
LIST SKILLS THAT PARTICIPANT NEEDS TO IMPROVE _____			
DO YOU RECOMMEND THAT THE PARTICIPANT CONTINUE IN THIS ACTIVITY?: _____			
WHY? _____			

#### Date and Hours Worked

Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		9		17		25	
2		10		18		26	
3		11		19		27	
4		12		20		28	
5		13		21		29	
6		14		22		30	
7		15		23		31	
8		16		24			

TOTAL HOURS WORKED THIS MONTH:

TIMES TARDY:

TOTAL NUMBER OF SCHEDULED WORK  
HOURS THIS MONTH:

NUMBER OF UNEXCUSED  
ABSENCES:

THE WORK SITE SUPERVISOR MUST COMPLETE THIS FORM EACH MONTH AND MAIL IT TO THE AGENCY BY THE 5TH CALENDAR DAY OF THE FOLLOWING MONTH TO: \_\_\_\_\_

WORK SITE SUPERVISOR SIGNATURE: \_\_\_\_\_  
DATE: \_\_\_\_\_

## ATTENDANCE/PERFORMANCE RATING SHEET

FORM NUMBER: 032-02-305

PURPOSE OF FORM - This form provides a written means for the worker/case manager to monitor a VIEW participant's progress and attendance in a work experience or FEP placement on a monthly basis.

USE OF FORM - This form is used by the work site supervisor to record the **participant's** attendance and evaluate performance in the work experience **or FEP** position. **It may also be completed by the Case Manager based upon information provided by the employer verbally.** The form is also used by the worker/case manager to evaluate satisfactory participation (attendance) and any need for intervention to enhance the VIEW participant's progress. Usage of the forms with FEP placement is optional. The ESW may contact the FEP employee for a verbal update. Information obtained must be noted in the VIEW record.

NUMBER OF COPIES - Original

DISPOSITION OF COPIES - The original is mailed to the agency by the fifth calendar day after the report month and becomes a part of the case record.

### INSTRUCTIONS FOR PREPARING THE FORM

The agency will be responsible for informing the work site supervisor of his responsibility to prepare the form monthly. **A six-month supply of the form may be given to the employer at the time the agreement is completed. Identifying information should be completed by the Case Manager prior to giving this form to the employer.**

**For CWEP placements,** the agency will be responsible for informing the work site supervisor of the number of hours the participant will be assigned each month.

All sections of the form need to be completed in their entirety to enable the worker/case manager to evaluate performance and monitor attendance.

The work site supervisor will be responsible for completing, signing, dating, and mailing the form to the agency by the fifth calendar day after the close of the report month.

**PAGES 31 – 41 INTENTIONALLY LEFT BLANK**

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COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES  
EMPLOYMENT SERVICES PROGRAM  
COMMUNICATION FORM

REGISTRANT \_\_\_\_\_  
CASE NAME \_\_\_\_\_  
CASE NUMBER \_\_\_\_\_  
☐ FSET ☐ GR ☐ TANF ☐ TANF-UP

TO \_\_\_\_\_, EW  
FROM \_\_\_\_\_, ESW

Date \_\_\_\_\_  
Reply Needed By \_\_\_\_\_

☐ Reevaluation of non-exempt/mandatory status is requested  
because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Individual has failed to comply with program requirements.  
Reason \_\_\_\_\_  
\_\_\_\_\_

☐ Volunteer no longer wishes to participate.

☐ Good cause does not exist.

☐ Individual will enter/entered employment on \_\_\_\_/\_\_\_\_/\_\_\_\_  
#Hours/week \_\_\_\_\_ Rate of pay \$ \_\_\_\_\_ Per \_\_\_\_\_  
Employer \_\_\_\_\_

☐ Notify ESW if aware of good cause reason.

☐ Comparability exists.

☐ Please send verification of employment.

☐ Sanction for (check appropriate answer)  
\_\_\_\_ Until notified of compliance \_\_\_\_ 3 months and compliance  
\_\_\_\_ 1 month and compliance \_\_\_\_ 6 months and compliance

☐ Individual will enter education or training activity  
on \_\_\_\_/\_\_\_\_/\_\_\_\_  
Location \_\_\_\_\_

☐ Please provide the dollar amount of reduction due to employ-  
ment or sanction.

☐ Individual will be a participant in work experience. Please  
provide the FS or GR dollar amount for the month of \_\_\_\_\_  
\_\_\_\_\_

☐ Please notify when sanctioned individual has been added  
back to FS unit

☐ Other \_\_\_\_\_  
\_\_\_\_\_

TO \_\_\_\_\_, EW  
FROM \_\_\_\_\_, ESW

Date \_\_\_\_\_  
Reply Needed By \_\_\_\_\_

☐ Result of reevaluation of non-exempt/mandatory status

☐ Effective with payment on \_\_\_\_/\_\_\_\_/\_\_\_\_, benefits  
will be reduced from \$ \_\_\_\_\_ to \$ \_\_\_\_\_

☐ Non-exempt/mandatory individual now exempt.  
Reason \_\_\_\_\_

☐ Individual appealed sanction. Pre-hearing conference scheduled  
For \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_\_ (time)

☐ Volunteer no longer wishes to participate.

☐ Sanction ended effective \_\_\_\_/\_\_\_\_/\_\_\_\_.  
Mandatory registrant has been added back to FS unit.

☐ Individual will enter/entered employment \_\_\_\_/\_\_\_\_/\_\_\_\_  
# Hours/week \_\_\_\_\_ Rate pay\$ \_\_\_\_\_ Per \_\_\_\_\_  
Employer \_\_\_\_\_

☐ Amount of FS allotment/GR payment for  
month of \_\_\_\_\_ was \$ \_\_\_\_\_

☐ Individual/household no longer eligible for FS or GR  
Case closed due to: (check one)  
☐ Sanction; ANPA sent  
☐ Employment; Benefit reduction/savings information  
provided below  
☐ Other \_\_\_\_\_  
Effective Date: \_\_\_\_\_

☐ Individual may be unable to participate in ESP/FSET program  
because \_\_\_\_\_  
\_\_\_\_\_

☐ New certification period:  
from \_\_\_\_\_ to \_\_\_\_\_

☐ Individual deleted from FS household due to:(check one)  
☐ Sanction: ANPA sent  
☐ Other \_\_\_\_\_  
Effective Date \_\_\_\_\_

☐ Individual can ☐ Read English ☐ Write English

☐ Other \_\_\_\_\_  
\_\_\_\_\_

EMPLOYMENT SERVICES PROGRAMS COMMUNICATION FORM

EMPLOYMENT SERVICES PROGRAMS COMMUNICATION FORM

FORM NUMBER - 032-02-072

PURPOSE OF FORM – To exchange information about VIEW participants between the eligibility worker and the employment services worker.

USE OF FORM – Either the eligibility worker or the employment services worker may originate the form at the time circumstances change for the participant that require the exchange of information.

NUMBER OF COPIES – Three.

DISPOSITION OF FORM – This form is prepared in triplicate. Distribution of the top two copies is indicated on the form. The third copy remains attached to the copy being forwarded, in the event the receiving party uses the same form for reply.

INSTRUCTIONS FOR PREPARATION OF FORM

The name of the participant, the case name, case number and program are to be entered in the upper right hand corner by the worker originates the form.

The top half of the form is completed when messages must be communicated to eligibility staff from employment services staff. The employment services worker will check whichever block communicates the desired information or requests the desired information.

The bottom half of the form is completed when the eligibility staff is either returning the form to employment services with the requested information completed, or when the eligibility staff is communicating information to employment services. The eligibility worker will check whichever blocks are applicable to the situation.



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### MEDICAL EVALUATION

**It is our goal to assist the individual named below in preparing for the transition from welfare to work. This person states that he/she is unable to work. Please give careful consideration in completing this medical evaluation. The information that you provide will be used to determine occupations that this individual may be able to perform, even if there are some limitations.**

Commonwealth of Virginia  
Department of Social Services  
Temporary Assistance for Needy Families (TANF)  
Virginia Initiative for Employment not Welfare  
(VIEW)  
Food Stamp Employment and Training Program  
(FSET)

Agency Name \_\_\_\_\_  
Address \_\_\_\_\_  
Agency Contact \_\_\_\_\_  
Phone # \_\_\_\_\_  
Case Number \_\_\_\_\_  
Case \_\_\_\_\_

Patient's Name: \_\_\_\_\_ Address: \_\_\_\_\_

Birth Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ SS#: \_\_\_\_ -- \_\_\_\_ -- \_\_\_\_ Phone#: \_\_\_\_\_

#### WORK-RELATED LIMITATIONS:

1. Date of examination on which this medical evaluation is based: \_\_\_\_ / \_\_\_\_ / \_\_\_\_
2. In terms of working for pay / competitive employment and the patient's current health issue(s), check that which is **MOST** applicable at this time.

☐ Patient is currently able to work



Patient can currently work without limitations or modifications. Skip the remaining questions and sign at the bottom of page 2.

☐ Able to work with limitations and/or modifications



Patient is able to work in a limited capacity and/or with modifications. Please complete the remaining questions.



Anticipated duration of limitation or modification (Check one)

- ☐ Less than 60 days  
☐ 60 – 90 days  
☐ Greater than 90 days. Specify duration: \_\_\_\_\_

☐ Unable to work



Patient is unable to work in any capacity at this time. Please complete the remaining questions.



Anticipated duration of incapacity. (Check one)

- ☐ Less than 60 days  
☐ 60 – 90 days  
☐ Greater than 90 days. Specify duration: \_\_\_\_\_

3. Please indicate the primary medical reason for the patient's inability to work or need to work with modifications and/or limitations in the space entitled "primary diagnosis" provided below.

Primary Diagnosis: \_\_\_\_\_

If other medical issues contribute to the patient's inability to work or need to work with modifications and/or limitations, please record those in the space entitled "secondary diagnoses" provided below.

Secondary Diagnosis: \_\_\_\_\_

**(OVER)**

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**WORK-RELATED LIMITATIONS (CONT'D):**

4. Check all areas that the patient currently has limitations in that result in his/her inability to work or result in his/her ability to work in a limited capacity or with modifications. Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> Lifting objects greater than: _____ POUNDS (insert #)        | <input type="checkbox"/> Sitting for greater than 1 hour at a time   |
| <input type="checkbox"/> Bending over / stooping down / reaching for objects          | <input type="checkbox"/> Standing for greater than 1 hour at a time  |
| <input type="checkbox"/> Manual dexterity activities (typing, handling small objects) | <input type="checkbox"/> Walking distances greater than 50 feet      |
| <input type="checkbox"/> Hearing  | <input type="checkbox"/> Climbing four to six steps                  |
| <input type="checkbox"/> Vision   | <input type="checkbox"/> Driving an automobile                       |
| <input type="checkbox"/> Cognition  | <input type="checkbox"/> Interpersonal relationships with co-workers |

Other work limitations not listed above: \_\_\_\_\_

5. If the patient is unable to work at this time (see question #2 on previous page), can he/she participate in any of the following at this point in time? Check all activities that the patient can presently participate in. For each that he/she can participate in, please indicate the number of days per week and hours per day that you think would be appropriate given his/her limitations.

ACTIVITY	Check here if patient can participate	Days per week	Hours per day
a. Classroom based activities leading to a GED or other certification	<input type="checkbox"/>		
b. Educational activities that address job etiquette, social skills, positive job behaviors, etc.	<input type="checkbox"/>		
c. Skills training in an occupation within his/her health-related limitations	<input type="checkbox"/>		
d. Resume writing and practice in completing job applications	<input type="checkbox"/>		
e. Participating in mock job interviews	<input type="checkbox"/>		
f. Job Searching (contacting employers; getting on a bus)	<input type="checkbox"/>		
g.	<input type="checkbox"/>		

**WORK-RELATED ADVISING:**

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 6. Have you advised the patient to reduce his/her work hours for health-related reasons? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. Have you advised the patient to take a leave of absence for health-related reasons?   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. Have you advised the patient to quit his/her job for health-related reasons?          | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. Have you advised the patient to apply for disability?                                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**COMPLIANCE:**

10. If physical therapy, counseling, or other treatments were prescribed, is the patient complying? ☐ Yes ☐ No ☐ Don't know
11. Does the patient's condition hinder his/her ability to care for his/her children? ☐ Yes ☐ No
12. If medication was prescribed, is the patient complying? ☐ Yes ☐ No ☐ Don't know
13. If the patient reviewed this form, would it jeopardize his/her physical or emotional health or well being? ☐ Yes ☐ No
14. Does the patient require additional evaluation and/or assessment to determine their current and/or future work capacity?

☐ Yes☐ No

↓  
(Check all that apply)

- ☐ Psychiatrist, psychologist or other mental health provider
- ☐ Rehabilitation professional – physical therapist, occupational therapist, speech-language pathologist, etc.
- ☐ Educational specialist
- ☐ Medical specialist – orthopedist, neurologist, etc.
- ☐ Other: \_\_\_\_\_

Print Name of Physician \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date form was completed

Signature of physician \_\_\_\_\_

Physician's address \_\_\_\_\_

(\_\_\_\_\_) - \_\_\_\_\_ - \_\_\_\_\_  
Physician's telephone number

## MEDICAL EVALUATION

This medical evaluation form replaces form number 032-03-378/1 (4/00)

FORM Number – 032-03-654/1 (4/04)

PURPOSE OF FORM – To provide medical information concerning the mental/physical condition of an applicant/recipient.

USE OF FORM – To be used by the local social services agency in securing medical information when a written statement is necessary to determine ability to work.

NUMBER OF COPIES – One.

DISPOSITION OF FORM – Submitted to the examining or treating physician and, upon return to the local department, filed in the case record.

INSTRUCTIONS FOR PREPARATION OF FORM – The information at the top of the form is completed by the eligibility/VIEW worker prior to submittal of the form to the examining or treating physician. The information requested in Items 1 through 14 is entered by the examining or treating physician. For number 5, item g, the worker may fill this in with an activity not listed. The physician is to sign the form and also complete the identifying information in the appropriate spaces.

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8. If an applicant is truant:
  - a. Send written notice per [201.3.C](#).
  - b. Allow the applicant the opportunity to comply during the **30**-day application processing period.
  - c. If the child is enrolled or applicant is cooperating in establishing a plan, the child meets this requirement.

8. Document the case record regarding written notification sent and whether the requirement is met prior to case approval.

Facts to be EstablishedSubstantiation and ProceduresC. Deprivation of Parental  
Support or Care (201.4)

Repealed effective July 1, 1999

D. Living Arrangements (201.5)

1. Relationship to caretaker-  
relative  
**Caretaker and dependent  
child must be related  
by blood, marriage or  
adoption.**

D. Living Arrangements

1. Relationship to caretaker-relative  
Documents in applicant's possession:  
Birth certificate  
Hospital certificate  
Adoption papers  
Baptismal certificate

Other documents:  
Hospital or physician's  
record  
Court record of adoption  
Church record  
Bureau of Vital Records and  
Health Statistics  
Marriage records  
Court support and/or  
divorce orders which  
clearly identify the  
relationship of the care-  
taker/relative to the  
children

Documents must be adequate to  
trace relationship completely,  
except that, if the applicant is  
the mother and has some type of  
birth verification, initial eligi-  
bility can be established.

If other documents are not  
available, a notarized state-  
ment by an individual, other  
than the applicant/recipient,  
who has sufficient knowledge  
to attest to the relation-  
ship is acceptable.

Facts to be EstablishedSubstantiation and Procedures

currently available and child is obviously under 12, a signed statement of applicant/recipient or other individual having knowledge of the fact, attesting to the place of birth, if in the U. S., is acceptable substantiation of U. S. citizenship unless there is reason to question.

If the caretaker, EWB, or other adult AU member is born in the U.S. according to signed statement of applicant/recipient, citizenship is presumed established unless there is reason to question.

b. If born outside U. S.

b. Certificate of derivative citizenship, naturalization papers, document issued by a U. S. Embassy or Consulate attesting that child or caretaker is a U.S. citizen born abroad. If such documents are not available, must verify citizenship through the nearest U.S. **Citizenship and Immigration Services.** Requests for verifications should be done by mail if possible, "Attn: Immigration Status Verifier." Offices in Virginia are:

**U.S. Citizenship and Immigration Services**  
Norfolk Commerce Park  
5280 Henneman Drive  
Norfolk, VA 23513

Telephone: (757) 858-6183

**U.S. Citizenship and Immigration Services**  
4420 N. Fairfax Drive  
Arlington, VA 22203

Telephone: (703) 235-4026

Facts to be EstablishedSubstantiation and Procedures2. Alienage

At application and when adding persons to the AU, an individual who is an alien must present immigration documentation to verify alien status.

If the alien presents expired documents or has no documentation, i.e., claims documents were lost or stolen, refer him/her to the local **USCIS** office to request new documents before primary or secondary SAVE procedures are initiated.

Documentation provided by the alien must be submitted for re-verification through SAVE. Initiate SAVE verification prior to action to approve the case or add an individual.

a. The following groups of aliens are qualified aliens. All qualified aliens who entered the U. S. prior to 8/22/96 are eligible aliens.

(1) Aliens lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) (without regard to the number of SSA qualifying quarters of work the alien has).

3. Alienage

Examine document(s) in the client's possession and determine if the individual meets one of the statuses below. If a **USCIS** receipt for a replacement document was used to verify qualified alien status, follow-up at the first redetermination to obtain a copy of the replacement document.

A copy of the **USCIS** document(s) should be filed in the case record.

**Note: An identification card issued by another country is not an INS document and cannot be used to verify immigration status; e.g., a Mexican Consular card.**

Document verification of alien status received through SAVE. If not received prior to action to approve/add the individual, document the date SAVE verification was requested by the EW.

a. The documents listed below for each alien group are not necessarily all inclusive. An alien may have other documents showing his alien status to be one of those listed for qualified aliens.

(1) Alien Registration Receipt Card (Form I-151 or AR3a or I-551), or unexpired temporary I-551 stamp on foreign passport or on I-94.

If the LPR is an American Indian born in Canada and covered by Section 289 of the INA: I-551 with the code "S13"; or a letter or other tribal document certifying at least 50% American Indian blood, combined with a birth certificate or other evidence of birth in Canada.

Note: Form I-151, Form AR-3, and AR3a are earlier versions of the I-551. If the

Facts to be EstablishedSubstantiation and Procedures

alien has only the older version, refer him to **USCIS** to apply for the I-551.

(2) Aliens granted asylum under Section 208 of the INA.

(2) Arrival Departure Record (I-94) with stamp showing grant of asylum under Section 208 of the INA; or Employment Authorization Card (I-688B) bearing "Provision of Law" citation 274a.12(a)(5); or (Employment Authorization Document (I-766) annotated "A5"; or Grant letter from the Asylum Office of **USCIS**; or Order of an immigration judge granting asylum.

(3) Refugees **who are:**

(3) **Verify as follows:**

(a) admitted under (I-94) Section 207 of the INA,

(a) Arrival Departure Record (I-94) annotated with stamp showing admission under Section 207 of the INA; or Employment Authorization Card (I-688B) bearing "Provision of Law" citation 274.a12(a)(3) or (4); Employment Authorization Document (I-766) annotated "A3"; or Refugee Travel Document (I-571); or

(b) admitted as an Amerasian immigrant; **or**

(b) an I-94 coded AM1, AM2, or AM3; or an I-551 coded AM6, AM7, or a temporary I-551 stamp in foreign passport; **or**

(c) victims of human trafficking.

(c) **letter from the Office of Refugee Resettlement that certifies or documents the status. The entry date is the certification date of the letter.**

(4) Aliens paroled into the U. S. under Section 212(d)(5) of the INA for at least one year.

(4) Arrival Departure Record (I-94) with stamp showing admission for at least one year under Section 212(d)(5). (Alien cannot aggregate periods of admission for less than one year to meet the one-year requirement.)

(5) Aliens admitted as conditional entrants under Section 203(a)(7) of the INA.

(5) Arrival Departure Record (I-94) with stamp showing admission under Section 203(a)(7) of the INA; or Employment Authorization Card (I-688B) annotated "274a.12(a)(3)"; or Employment Authorization Document (I-766) annotated "A3."

(6) Aliens whose deportation has been withheld under Section 241(b)(3) or 243(h) of the INA.

(6) Employment Authorization Card (I-688B) annotated "274.a12(a)(10)"; or Employment Authorization Document (I-766) annotated "A10"; or Immigration Judge's Order showing deportation withheld under section 243(h) of the INA, or removal withheld under section 241(b)(3) of the INA.



Facts to be EstablishedSubstantiation and Procedures

(7) An alien who is a Cuban-Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980. A Cuban-Haitian entrant is a person who:

(a) has been granted parole by **USCIS** for humanitarian or public interest reasons, unless a final order of deportation or exclusion has been Issued;

(b) has an application for asylum pending with **USCIS**, unless a final order of deportation or exclusion has been issued;

(c) is subject to **USCIS** exclusion or deportation proceedings, unless a final order of deportation or exclusion has been issued.

(8) An alien and/or alien parent of a child battered or subjected to extreme cruelty and/or alien children of a parent who is battered or subjected to extreme cruelty while in the U.S. who meets the following requirements:

(a) The perpetrator is a spouse, parent, or other household member of the spouse or parent's family who was residing in the home at the time of the incident but is no longer in the home. The alien must not now be residing in the same household as the person responsible for the battery or extreme cruelty, and

(1) the alien was battered or subjected to extreme cruelty while in the U.S. by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien, and the spouse or parent consented to or acquiesced in such battery or cruelty;

(7) Alien Registration Receipt Card (I-551) with the code CU6, CU7, or CH6; or an unexpired temporary I-551 stamp in foreign passport or on an I-94 with the code CU6 or CU7; or an I-94 with stamp showing parole as "Cuba/Haitian Entrant" under section 212(d)(5) of the INA.

Document that an alien is subject to exclusion or deportation using letters or notices which indicate ongoing exclusion or deportation proceedings for that person. Contact **USCIS** if information indicates that a final order or exclusion or deportation has been issued.

(8) Document using information from the applicant/recipient and other sources knowledgeable of the situation.

Document decision of the local agency that there is a substantial connection between the battery or cruelty and the need for benefits.

Facts to be EstablishedSubstantiation and Procedures

(2) the alien's child was battered or subjected to extreme cruelty while in the U.S. by a spouse or a parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse or parent's family residing in the same household as the alien, and the spouse or parent consented or acquiesced to such battery or cruelty and the alien did not actively participate in the battery or cruelty, or

(3) the alien child resides in the same household as a parent who has been battered or subjected to extreme cruelty while in the U.S. by that parent's spouse, or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to the battery or cruelty.

(b) The alien has a petition approved by or pending with **USCIS** for one of the following:

(1) status as an immediate relative (spouse or child) of a U.S. citizen;

(2) classification changed to immigrant;

(3) status as the spouse or child of a lawfully admitted permanent alien (LAPR); or

(4) suspension of deportation and adjustment to LAPR status based on battery or extreme cruelty by a spouse or parent who is a U.S. citizen or LAPR alien.

b. If a qualified alien entered the U. S. on or after 8/22/96, he must also meet one of the following requirements.

(1) The alien was admitted as a refugee under Section 207 of the INA, or is an Amerasian immigrant (even though status may now be adjusted to LPR).

(b) Examine documents provided by the applicant/recipient to determine if this requirement is met. Document case record.

b. Document qualified alien status is met in a. above, and whether the alien meets any of the requirements below. If none of these requirements are met, the alien is ineligible for five years from his date of entry into the U. S.

(1) Document same as (3) above; or if now an LPR, verify admission as a refugee by code RE-6, RE-7, RE-8, or RE-9 on alien's I-551.

Facts to be EstablishedSubstantiation and ProceduresVII. INCOME

- A. Earned Income (305.3)
1. Earned Income Totally Disregarded
- a. **Individuals receiving payments under the Workforce Investment Act of 1998 (WIA).**
- b. Eligible child who is a full-time student or a part-time student **and employed.**
- c. Student Status
- A child is considered a student if enrolled in an elementary, secondary, or secondary level vocational or technical program of study or training leading to a certificate diploma, or degree.
- If verified to be a student the child's status continues during official vacation.
2. Determination of gross earned income and/or profit from wages, salaries, commissions and/or tips.

VII. INCOME

All income, earned or unearned, must be counted in determining need except that which is totally disregarded. Also, the amount of all income, earned and unearned, must be verified; however, if the income is disregarded, only the source must be verified.

- A. Earned Income
1. Earned Income Totally Disregarded
- a. Disregard **WIA** earnings in the 185% screen, determination of need and grant computation.
- b. Student status established under c. below. Disregard all earnings of full-time student and of part-time student, in the grant computation.
- Exception: Full-time student earnings must also be disregarded in 185% screening.
- c. Student Status
- Verify with school if child is enrolled as a full-time or part-time student.
- Note: An 18 year old eligible child is considered a full-time student.
2. Determination of gross earned income and/or profit from wages, salaries, commissions, and/or tips.

Facts to be EstablishedSubstantiation and Procedures

provided for all children. The total monthly cost of snacks is computed by the same method as meals with 20¢ allowed for each snack.

Add the total monthly costs of meals and snacks to obtain the total cost of food provided.

Deduct this monthly cost of food from the total income anticipated for day care during the payment month.

Sixty-five percent of the balance is considered as profit from day care.

3. Determination of Assistance Payment.

3. Once the individual has been found eligible for an assistance payment, determination of net income to be used in computing the assistance payment is as follows:

a. Total monthly gross income.

a. Use the anticipated total monthly gross earnings and/or profit.

b. Earned Income Disregards.

b. Deduct from gross earnings/profit in the following order:

1) The standard deduction for **the assistance unit.**

2) **20% of the remainder.**

3) For purposes of determining initial eligibility, anticipated cost of incapacitated adult/child care, not to exceed \$175 for full-time employment or \$120 for part-time employment, for each child/incapacitated adult in the assistance unit or if the child is under 2, deduct anticipated costs not to exceed \$200, for full-time employment. For determining the amount of the

SUBSTANTIATION AND PROCEDURESFACTS TO BE ESTABLISHED

- 2) The determination must be made within **30 days following the date of TANF application.**

- 2) The agency may extend the time standard only in cases in which the case agency needs additional time due to difficulty in obtaining the evidence. This must be documented in the case record.

SUBJECT	SECTION/PAGE(S)
Disregarded -	
Earned Income	305.3, p. 15-21; Procedures
VII	
Other Income	305.4, p. 22-24b; Procedures VII, p. 9-11
Unearned Income	Procedures VII, P. 4-5
Student Income	305.3, p. 15-16; Procedures VII, p. 1
Diversionsary Assistance	801.1 - 801.8, p. 1-3
Amount	801.5, p. 2
Eligibility	801.4, p. 1
Period	801.7, p. 3
Purpose	801.1, p. 1
Screening	801.2, p. 1
Vendor	801.8, p. 3
Voluntary	801.3, p. 1
Division of Child Support Enforcement (DCSE)	601.1-602.5
<b>Notification to Local Agencies</b>	602.5, p. 4-6
Support Collected	305.4, p. 24; 305.4, p. 46; 602.5, p. 4-6
Earned Income	305.3, p. 13
Counted in Calculating Payment	305.1, p. 3-6; 701.4, p. 2
Disregarded	305.3, p.18; 305.4, p.22; Procedures VII, p.1
Disregards	305.3, p. 16; Procedures VII, p. 3
Disregards Not Allowed	305.3, p. 20-21
Exceptions to Allowing Disregards	305.3, p. 20-21
How to Calculate Monthly Amount	305.1, p. 6a-8
Profit	305.3, p. 14
Reporting	305.1, p. 10-11
Verification	Procedures VII, p. 1a
Educational Loans	Procedures VII, p. 4-5
Eligibility - Initial	401.2, p. 2
Eligibility - Ongoing	401.2. p. 2
Emergency Assistance	203.1-203.4; 502.1, p. 2
Emergency Payee	502.4, p. 4a

SUBJECT	SECTION/PAGE(S)
Fraud	See Intentional Program Violation 102.1, p. 1
Fugitive Felons	103.2, p. 1
Full-Time Employment	305.3, p. 18-19
Funding	100.3, p. 1
Good Cause/Non-Cooperation	201.1, p. 1a; 201.10, p. 1-6; Procedures X
Grant Calculations	Appendix 3 to 305; 901.7, p. 7
Grants and Loans to Students	305.4, p. 22 & 24a; Procedures VII, p. 4-5
Guardian	502.7, p. 9
Hearings	104.1-106.6; 401.5, p. 9a-11
Home Defined	201.5, p. 2-3
Home Visits	<b>401.2, p. 3, 401.3, p. 4</b>
Immunizations	201.1, p. 2-3
Improper Payments	503.1, p. 1
Incapacitated Adult/Child Care Disregard	See Earned Income - Disregards 305.3, p. 18
Income	
Anticipating	305.1, p. 4-6
Babysitting Income	Procedures VII, p. 2-3
Benefits and Services in Lieu of Income	305.4, p. 45
Calculating Monthly Income	305.1, p. 6a-8
Counted in Calculating Payment	305.2, p. 12
Of Excluded Children	305.4, p. 34; 401.2, p. 2
Other Cash Income	Procedures VII, p. 9-10
Prospective Determinations/Screening	305.1, p. 1
Self-Employment	305.3, p. 14; Procedures VII, p. 1a-2
Verification	305.1, p. 8-9; Procedures VII, p. 1a-2, p. 4-5
Income - Excluded Children	305.5

SUBJECT	SECTION/PAGE(S)
Income Tax Refunds	305.4, p. 23
Income Eligibility Verification System (IEVS)	402.1
IEVS Reports	201.8, p. 1b
Income vs. Expenses	401.2, p. 2e
Information to be Given Client	401.6, p. 11-13; Appendix I to 600
Inheritances	See Lump Sum Payments
Inquiry for Information	401.1, p. 1
Intentional Program Violation (IPV)	102.1, p. 1-3; 102.5, p. 3a
IPV Disqualification Penalties	102.3, p. 2
IPV Forms	102.2, p. 2
Interest Income	305.4, p. 24a; Procedures VII, p. 10
Interim Reporting	401.3 H - J
Interviews	
Face-to-Face (Redetermination)	401.3, p. 4
Intake	401.2, p. 1-1a
Job Corps	305.4, p. 23
Job - Secured Employment	See Changes - Income; 305.1, p. 9-10
Joint Processing Temporary Assistance and Food Stamps (TANF & FS)	See Single Interview; 401.1, p. 1a
Legal Base	100.1, p. 1
Legally Responsible Persons	302.7, p. 6; 601.3, p. 4-5



SUBJECT	SECTION/PAGE(S)
Prospective Budgeting	305.1, p. 3-9
Protective Payments	See Payment 502.1, p. 1
Putative Father	305.4, p. 36a-37; 602.3, p. 2-3
Qualified Alien	201.7, p. 1
Exception to the Requirement	201.7, p. 1a; Procedures I, p. 7d
Questionable Information	401.2, p. 2d
Recoupment/Recovery	503.8, p. 2d-5
Redirection of Support	602.1
Reflecting Income	See Changes - Income; and Prospective Budgeting 305.1, p. 3-10
Reimbursements	305.2, p. 12
Relationship	Procedures I, p. 2-3
Release of Information to <b>U.S. Citizenship</b> and Immigration Services ( <b>USCIS</b> )	103.4
Release of Information - Benefits - Aliens	103.3
Renewals	401.3, p. 4-6
Rent/Utilities Paid by Spouse	305.4, p. 36a
Paid by Someone Other than Spouse	See Shelter Contributed 305.4, p. 36a & 45
Rental Property	305.2, p. 13; 305.3, p. 14
Reports	402.1, p. 1
Residence	201.6, p. 5; Procedures I, p. 5a

SUBJECT	SECTION/PAGE(S)
Single Interview (TANF & FS)	401.1, p. 1a
Social Security Benefits	305.4, p. 24b; Procedures VII, p. 5
Social Security Number (SSN) Letter on SSN Update Requirement	Appendix IV to 201 201.8, p. 1; Procedures I, p. 8-9
Special Occasion Income	305.2, p. 12
Specified Relatives	201.5, p. 1-2
<b>Standard Deduction</b>	<b>305.1, p. 2; 305.3 p. 16, 20-21 Appendix 3, pg. 1-2; 901.7, p.8; Appendix 1, pg. 1-2; Procedures VII, pg 1 &amp; 3</b>
Standard Filing Unit	302.8, p. 6d
Standard Work Deduction (\$90)	305.4, p. 42
Standards of Assistance By Groups	304.1, p. 1 Appendix 2 to 304
State Board of Social Services	104.2
Stepparent Deeming	305.4, p. 37-43
Strikers	201.1D, Procedures IV, p. 6
Student Income	305.3, p. 15-16; Procedures VII, p. 1
Status Related to Income Also see Compulsory School Attendance; VIEW; Grants & Loans, Scholarships; Truancy	Procedures VII, p. 1
Supplemental Security Income Recipients (SSI)	201.1, p. 1a; 302.6, p. 2a, p. 4-4a; Procedures IV, p. 1 & 4
Support for Child Subject to Family Cap	201.12, p. 7
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